

**City Council Agenda Item #14\_  
Meeting of March 18, 2019**

**Brief Description** Conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run

**Recommendation** Adopt the resolution approving the conditional use permit

**Background**

In 2018, the Chabad Center for Jewish Life requested a conditional use permit (CUP) to operate a religious institution on Hopkins Crossroad. The city council denied the CUP, generally finding:

- Vehicle access from Hopkins Crossroad could present a traffic safety issue; and
- The intensity of use was not appropriate, given the size of the site.

**Proposal**

The Chabad Center for Jewish Life has presented a new proposal. As submitted, the site would be comprised of five properties adjacent to Hopkins Crossroad and Hillside Lane; (the previous application was for three properties). From this, four lots would be combined into one lot for the religious institution and existing home. The existing lot on Hillside Lane West would remain for site access and a future residential home. The table below outlines the general difference between the 2018 and 2019 proposals.

	<b>2018 Proposal</b>	<b>2019 Proposal</b>
<b>Site Area</b>	1.95 acres	2.86 acres – Religious Institution Lot
		0.62 acres – Future Single-Family Home Lot
<b>Floor Area*</b>	15,000 sq.ft. – institution	16,400 sq. ft. – institution
	4,050 sq.ft. – existing Mill Run home	4,050 sq.ft. – existing Mill Run home
<b>Site Access</b>	Hopkins Crossroad	Hillside Lane West

\* as defined by city code

**Planning Commission Hearing**

The planning commission considered the formal conditional use permit request on Feb. 7, 2019. The commission report and associated plans are attached. Staff recommended approval of the CUP, finding:

- The proposed religious use of the site is generally appropriate. By city code, religious institutions are conditionally-permitted uses in residential areas.

- The proposed religious institution would meet the conditional use permit standards.
- The traffic and parking demand generated by the use could be accommodated by the existing roadways and proposed parking lot.
- The proposal responds to feedback received during the 2018 review.

At that meeting, a public hearing was opened. Twelve people addressed the commission. Those opposed to the proposal commented that – though the proposal was a considerable improvement to the 2018 proposal – potential traffic and overflow parking remain of significant concern. Those who spoke in favor of the proposal suggested that the proposed use would be a good addition to the neighborhood.

Following the public hearing, the commission discussed the proposal and noted that they appreciated the traffic concerns raised during the hearing. Commissioners concurred with staff's opinion that the proposal met the conditional use permit standards.

### **Planning Commission Recommendation**

On a 6-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes are attached.

### **Since Planning Commission Hearing**

Since the planning commission meeting, the applicant has submitted a revised narrative – correcting a few typographical errors – and revised landscape plan. This new landscape plan is referenced in the provided resolution. Additional public comments have also been received, which are attached.

### **Summary Comments**

Staff continues to acknowledge that the proposed Chabad Center for Jewish Life would visually alter the Hopkins Crossroad/Mill Run area. Further, the proposal would result in a different level of activity than was historically observed while the site contained occupied single-family homes. However, staff recommends approval of the request, as: (1) religious use of the site is contemplated by the zoning ordinance; (2) the proposal would meet CUP requirements; and (3) similar uses exist in residential areas throughout the community.

### **Staff Recommendation**

Staff recommends the city council adopt the resolution approving a conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run.

Through:      Geralyn Barone, City Manager  
                 Julie Wischnack, AICP, Community Development Director  
                 Loren Gordon, AICP, City Planner

Originator:    Susan Thomas, AICP, Assistant City Planner

**MINNETONKA PLANNING COMMISSION**  
**Feb. 7, 2019**

<b>Brief Description</b>	Conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the conditional use permit

---

### **Background**

In 2018, the Chabad Center for Jewish Life requested a conditional use permit (CUP) to operate a religious institution on Hopkins Crossroad. The city council denied the CUP, generally finding:

- Vehicle access from Hopkins Crossroad could present a traffic safety issue; and
- The intensity of use was not appropriate, given the size of the site.

### **Proposal**

The Chabad Center for Jewish Life has presented a new proposal. As submitted, the site would be comprised of five properties adjacent to Hopkins Crossroad and Hillside Lane. From this, four lots would be combined into one lot for the religious institution and existing home. The existing lot on Hillside Lane West would remain for site access and a future residential home. The table below outlines the general difference between the 2018 and 2019 proposal.

	<b>2018 Proposal</b>	<b>2019 Proposal</b>
<b>Site Area</b>	1.95 acres (3 lots)	2.86 acres – Religious Institution Lot (4 lots)
		0.62 acres – Future Single-Family Home Lot
<b>Floor Area*</b>	15,000 sq.ft. – institution	16,400 sq. ft. – institution
	4,050 sq.ft. – existing home	4,050 sq. ft. – existing home
<b>Site Access</b>	Hopkins Crossroad	Hillside Lane West

\* as defined by city code

### **Primary Questions and Analysis**

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions and staff findings associated with the conditional use permit request.

- **Is the proposed religious institution use generally appropriate?**

Yes. The site is zoned R-1, low-density residential. By city code, religious institutions are conditionally-permitted uses in residential zoning districts. A conditionally-permitted use is one that is allowed if the conditions outlined in code are met.

- **Would the proposed religious institution use meet conditional permit standards?**

Yes. City code outlines several conditions for religious facilities. It is staff's opinion that the proposed Chabad Center for Jewish Life meets the ordinance standards. Some of the CUP standards are objective and compliance with these standards can be specifically measured. Other standards are subjective and require the reasonable exercise of discretion by the commission, based on the facts presented in the record. The following highlights some of the CUP standards. All of the standards are outlined in the "Supporting Information" section of this report.

**Objective Standards.** The proposal would meet the objective CUP standards:

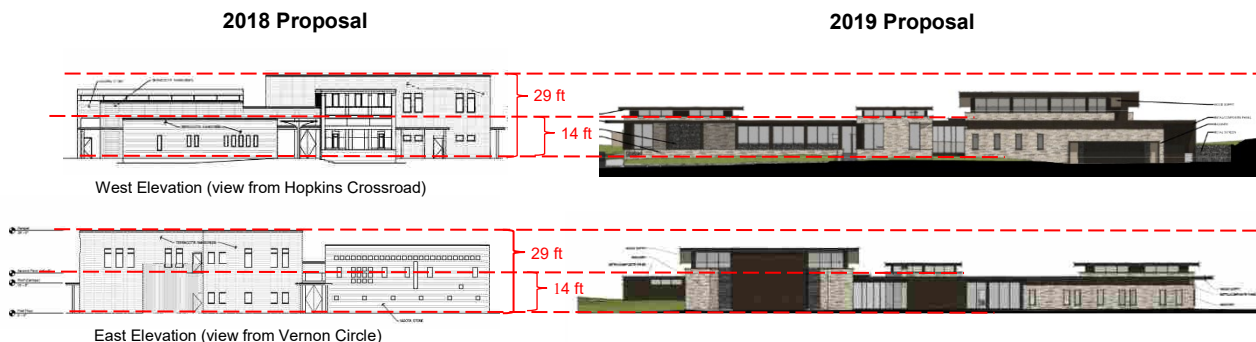
	<b>Required</b>	<b>Proposed</b>
<b>Access</b>	Collector or Arterial Street	Collector Street (Hillside Lane West)
<b>Building Setback</b>	Minimum 50 ft.	50 ft.
<b>Parking Setback</b>	Minimum 20 ft.	20 ft.
<b>Parking Spaces*</b>	39 spaces	60 spaces
<b>Impervious Surface</b>	Maximum 70%	46%

\* see parking section for further discussion

**Subjective Standards.** The subjective standards of the ordinance focus on creating design compatibility and protection of neighboring properties. Compliance with these subjective standards must be evaluated with the understanding that the ordinance contemplates construction of religious institutions on residentially zoned-property.

- ✓ **Design Compatibility.** Generally, the city has not interpreted design compatibility to mean "designed to look like" surrounding structures. This is evident in review of the 21 religious buildings that are currently located on properties zoned R-1, low-density residential. None of these existing institutions "look like" or are "sized like" a single-family home. Rather, the city has held that design compatibility means some level of complementary design features.

Staff finds that the proposed Chabad Center has been attractively designed. The plan incorporates natural building materials and neutral color palate, which are residential in character. Additionally, proposed building height would be consistent with residential homes. City code allows homes to be constructed to a height of 35 feet, as measured to the midpoint of a pitched roof. The proposed building would have an average height of 17 feet, measuring 23 feet at its highest point. The following diagram notes then general architectural differences between the 2018 and 2019 proposal.



- ✓ **Protection of Neighboring Properties.** Generally, any change to the use of a property will bring with it changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and nuisance regulations regarding lighting and “quiet hours,” are intended to minimize or mitigate for these changes.

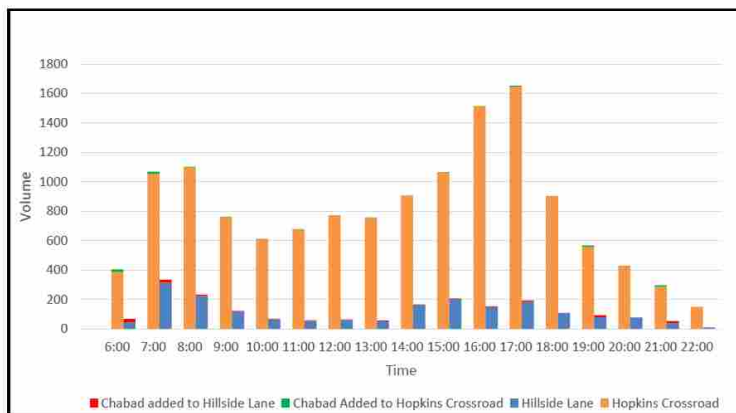
- **Can anticipated traffic be accommodated?**

Yes. The city commissioned a traffic and parking study for this conditional use permit request. The purpose of any traffic study is to understand: (1) existing traffic volume and operations; (2) the impact of the proposal on existing traffic volume and operations; and (3) if a proposal's impact would be negative, how that impact could be mitigated.

The traffic study focused the Hopkins Crossroad/Hillside Lane intersection and included evaluation of the Tanglen Elementary School /Hillside Lake intersection. The study included trip data collection for the center's anticipated “peak hours,” which are associated with anticipated service times: weekday a.m. from 7:15 to 8:15, Friday p.m. from 5:00 to 6:00, and Saturday midday from 12:30 to 1:30. The traffic study concluded:

- Under current conditions, vehicles accessing Hopkins Crossroad experience some delay. However, overall the Hopkins Crossroad/Hillside Lane West intersection operates at an acceptable level of service (LOS A) during the peak hours reviewed. (For more information on LOS, see the attached traffic study.)
- No significant operation impacts are expected as a result of the proposed Chabad center. Delays may increase – 3 to 10 seconds depending on time of day – for vehicles accessing Hopkins Crossroad from Hillside Lane W. However, the intersection would continue to operate an LOS A.

Figure 7. Typical Weekday Trip Generation



SRF Traffic Study

- **Can anticipated parking demand be accommodated?**

Yes. By city code, one parking space is required “for each 2.5 seats based on the design capacity of the main sanctuary or assembly space. The city may require additional spaces for offices, classrooms, day care centers or other uses operated on the grounds.” The city has not historically required additional parking for office and classrooms uses at religious institutions. Generally, when the main sanctuary space of such institution is fully occupied, these other spaces are not and vice versa.

City code requires 39 parking spaces be provided for the Chabad Center. As proposed, a total of 60 stalls would be constructed on site. Staff has identified space for at least 16 additional proof-of-parking spaces, for a total of 76 available spaces. Proof-of-parking spaces are spaces that *could* be constructed in the future if the city finds that there is a regularly demonstrated need for these spaces. Until the spaces are needed, proof-of-parking areas remains green space.

	<b>Available Parking</b>
<b>Striped Stalls</b>	52 spaces
<b>Geogrid Stalls</b>	8 spaces
<b>Proof-of-Parking</b>	16 spaces
<b>TOTAL</b>	<b>76 spaces</b>

During the 2018 review, the required parking for the proposed facility was discussed at some length. It was suggested that the main sanctuary space *and the proposed social hall* should be taken into consideration when calculating parking. As proposed, the Chabad Center site could accommodate parking for the sanctuary and social hall.

		<b>Seating</b>	<b>Required Parking</b>
<b>Code Requirement</b>	Main Sanctuary	98	39 spaces
	<b>TOTAL</b>	98	<b>39 spaces</b>
<b>Suggested Calculation</b>	Main Sanctuary	98	39 spaces
	Social Hall	72	29 spaces
	<b>TOTAL</b>	170	<b>68 spaces</b>

### **Summary Comments**

Staff acknowledges that the proposed Chabad Center for Jewish Life would visually alter the immediate area. The proposal would result in a different level of activity than was historically observed while the site contained occupied single-family homes. However, staff recommends approval of the request, as: (1) religious use of the site is contemplated by the zoning ordinance; (2) the proposal would met CUP requirements; and (3) similar uses exist in residential areas throughout the community. Further, the proposal responds to the council’s 2018 concerns related to vehicle access from Hopkins Crossroad and the overall size of the site.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run.

Originator: Susan Thomas, AICP, Assistant City Planner  
Through: Loren Gordon, AICP, City Planner

## Supporting Information

### Surrounding Land Uses

The site is surrounded by single-family residential homes

### Planning

Guide Plan designation: low-density residential  
Existing Zoning: R-1

### Single-Family Lot

The submitted plans illustrate that an additional lot could be created for a future single-family home on Hillside Lane West. As presented, the lot would exceed all minimum standards as outlined in the subdivision ordinance.

	Total	Buildable	Right-of-Way	Setback	Depth
Required	22,000 sq. ft.	3,500 sq. ft.	80 ft.	110 ft.	125 ft.
Proposed	27,170 sq. ft.	13,760 sq. ft.	110 ft.	110 ft.	245 ft.

\* numbers rounded down to closest 5 ft. or 5 sq. ft..

### Proposed Site Conditions

To accommodate the proposed religious facility the following site changes would occur:

#### Grading

Much of the site would be graded to "level" the central portion of the site. However, the amount of cut and fill would be minimal; up to four feet of excavation would be necessary to appropriately construct the driveway and up to two feet of fill would be placed in areas of the parking lot. As a condition of approval, a final grading plan would need to be submitted for review and approval of the city engineer prior to issuance of a grading permit.

#### Tree removal

The tree ordinance establishes a maximum 35 percent removal of high-priority trees for subdivision projects. This Chabad proposal is for redevelopment of existing, developed lots. As such, the removal threshold for does not apply. Nevertheless, staff notes that the proposal would result in removal of 17.5 percent of the site's high-priority trees.

	Existing	Removed	% Removed
High Priority	40	7	17.5%
Significant	85	62	73%

The ordinance requires mitigation for removal of trees located outside of proposed building footprints and driveways, and 20 foot and 10 foot perimeters of these respective areas.

#### Stormwater

The proposal triggers the city's stormwater management requirements. These requirements include: (1) on-site retention of 1-inch for runoff from the site's impervious surfaces; (2) limiting peak runoff rate flow to those of the existing condition; and (3) treatment of all runoff for removal of 60 percent of phosphorus and 90 percent of suspended solids.

The applicant proposes construction of an underground stormwater facility to meet these stormwater requirements. As proposed, runoff from the site would be captured through several catch basins and directed to the underground chambers via stormwater pipe. Final plans and soil borings must be submitted for staff review and approval as part of a grading permit application.

#### Landscaping

The applicant proposes to plant 88 trees throughout the site, with particularly attention given to providing a visual buffer to the adjacent single-family homes north and east of the property. As a condition of approval, a final landscaping plan must be submitted, substituting some of the proposed plants with other species to avoid planting a monoculture and to ensure appropriate plantings within the parking lot.

#### Driveway Access Point

The location of the driveway access point on Hillside Lane West has been evaluated by the city engineer and found to be adequate from a site distance perspective. The location would be evaluated again as part of any grading permit review.

### **Floor Area Ratio**

During the 2018 review, the floor area ratio (FAR) of the proposed facility was discussed at some length. Though the zoning ordinance does not establish a maximum FAR for religious facilities, the concept was used as a measurable substitute for "intensity of use."

There are 21 existing religious facilities in Minnetonka that are located in residential areas. The FAR of these facilities ranges from 0.05 to 0.19. The FAR of the proposed Chabad Center would be within this range. This also true if the existing home on Mill Run were included in the FAR calculation.

	Religious Institution	Religious Institution and existing home
Total Lot Area	2.86 acres	2.86 acres
Total Floor Area	16,408 sq. ft.	20,460 sq. ft.
(FAR)	0.13	0.16

The proposed Chabad Center would also fall within the FAR range of the 134 homes within the proposal's notice area, which is 0.01 to 0.27. (See attached map.)

### CUP Standards

The proposed religious facility would be consistent with the general CUP standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;

**Finding:** Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

**Finding:** The goals, policies, and objectives of the comprehensive plan are generally the city's effort to create a vibrant and resilient community. Religious institutions are a component of such communities.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

**Finding:** The proposal has been reviewed by members of the city's community development, engineering, public works, fire, and legal departments. Staff does not find that the proposed religious institution would have an adverse impact on the provision of government services or infrastructure.

4. The use does not have an undue adverse impact on the public health, safety or welfare.

**Finding:** The proposed institution would visually alter the immediate area and result in a different level of activity than was historically observed while the site contained occupied single-family homes. Though noticeable, these changes would not be detrimental to the health, safety, or welfare of the community.

The proposal would meet the specific conditional use permit standards for religious facilities as outlined in City Code §300.16 Subd.3(b):

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

**Finding:** The proposed facility would have access to Hillside Lane West, which is defined as a neighborhood collector roadway in the comprehensive plan.

2. Buildings must be set back 50 feet from all property lines;

**Finding:** The new facility would meet this setback from east and west property lines and it exceeds it from the north and south.

3. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;

**Finding:** By ordinance, 1 parking space is required for every 2.5 seats within the main sanctuary of a religious facility. As proposed the sanctuary would regularly have seating for 98 people, requiring 39 parking spaces. 60 parking spaces would be available on site; this included striped and geogrid spaces. Staff notes additional areas would be available as proof-of-parking.

4. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

**Finding:** The institution site would be 46 percent impervious.

5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

**Finding:** See the “SBP” section of this report.

## **SBP Standards**

The proposal would meet the site and building standards as outlined in City Code §300.27 Subd.5:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan.

**Finding:** The proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally

consistent with the city's development guides, include the water resources management plan.

2. Consistency with this ordinance.

**Finding:** Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

3. Preservation of the site in its natural state to the extent practicable by keeping tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing properties.

**Finding:** The proposal would result in significant alteration of the site, including changes to grade and tree removal/impact. However, site disturbance would be limited to the extent practicable, given construction of a building and parking lot.

4. Creation of harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development.

**Finding:** The new building and parking lot would be appropriately located at the center of the site, maintaining green space and the opportunity for new plantings at its perimeter.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community.
- the amount and location of open space and landscaping.
- materials, textures, colors and details of construction as an expression of the design concept and compatibility of the same with the adjacent and neighboring structures and uses.
- vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The location of buildings relative to open space and paved areas is appropriate. The proposed Chabad Center has been attractively designed. The plan incorporates natural building materials and neutral color palette, which are residential in

character. Additionally, proposed building height would be consistent with residential homes. City code allows homes to be constructed to a height of 35 feet, as measured to the midpoint of a pitched roof. The proposed building would have an average height of 17 feet, measuring 23 feet at its highest point.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.

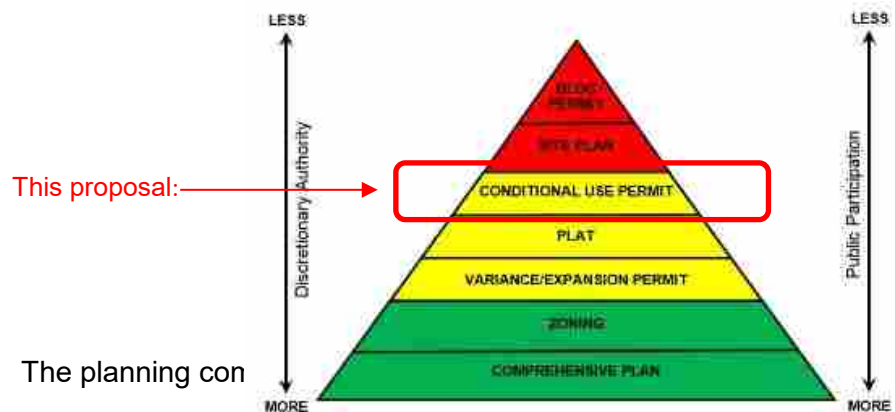
**Finding:** As new construction, the building code requires use of energy saving features.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and site buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**Finding:** Generally, any change to the use of a property will result in changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and conformance with nuisance regulations regarding lighting and “quiet hours” are intended minimize or mitigate for these changes.

**Legal Considerations** The city’s evaluation of the proposed Chabad Center for Jewish Life is subject to both local and federal law. The local law is the conditional use permit standards the city has established in the zoning ordinance. Generally, an applicant is legally entitled to a conditional use permit if the city finds that the request meets the standards of the ordinance. The federal law is the Religious Land Uses and Institutionalized Persons Act (RLUIPA). Generally, RLUIPA requires that religious institutions not be subject to standards that are more restrictive than would be required for any other type of assembly land use, such as a school or community center. The city attorney has provided an advisory memo regarding RLUIPA. (See attached.)

### Pyramid of Discretion



### Motion Options

The planning con

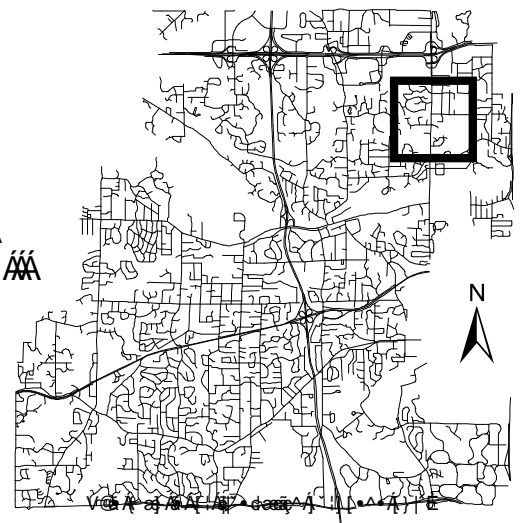
1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to how the CUP standards are not met.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

<b>Voting Requirement</b>	The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of a simple majority.
<b>Neighborhood Comments</b>	The city sent notices to 134 property owners. At the time of publication of this report, the city has received no written comments.
<b>Deadline for Action</b>	<b>April 15, 2019</b>



## Location Map

10000 FETTERLY RD  
 10000 FETTERLY RD  
 10000 FETTERLY RD



March 12, 2019

Mayor Brad Wiersum  
Members of the Minnetonka City Council  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345

Re: *Chabad Center For Jewish Life*  
*Conditional Use Permit Application*  
*11021 Hillside Lane West, 2327,2333 and 2339 Hopkins Crossroad, 11170 Mill Run*

Dear Mayor and City Council Members:

I represent the Chabad Center For Jewish Life and wish to make a few comments concerning why the council should approve the conditional use application to construct a religious facility at the above location.

The Council is, of course, well aware that the applicant's 2018 application for a conditional use permit on a portion of this site was denied. Although respectfully disagreeing with the Council's 2018 decision, Chabad did not appeal that action. Rather, Chabad took to heart the comments and concerns of the Council and neighbors and created a new design on a larger site. At the outset, I want to emphasize something that is readily apparent from the renderings, drawings and other documents submitted by the applicant's architect, Peterssen/Keller. The Chabad Center will be a stunning and elegant structure which will fit naturally within the existing neighborhood. The design and scale of the building, the use of stone and glass, and the landscape plan which buffers the project from the surrounding neighbors and adjacent streets are the result of careful planning by all concerned, including input from neighbors and this City Council. Significantly, the mass (FAR) and height of the building are well below the maximum allowed by code.

The basic facts in this matter can be condensed into the following summary:

1. The subject property is zoned R-1. Religious institutions are conditionally permitted uses in residential zones. Twenty-one (21) similar uses to the one proposed on the subject property exist in residential zones throughout the City of Minnetonka.
2. City staff and the Minnetonka Planning Commission have already determined, and the record amply supports the fact, that the proposed use would meet all objective and subjective conditional use standards.

3. The January 31, 2019 SRF Consulting Group, Inc. traffic study concluded:

- The Hopkins Crossroad (CR 73) and Hillside Lane intersection currently operates at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control.
- Results of the year 2021 build operations analysis indicate that all study intersections are expected to continue to operate at an overall LOS A during the reviewed peak hours.
- No significant operational impacts are expected as a result of the proposed development.

Each of the above conclusions is amply supported by data and analysis contained in the January 31, 2019 SRF Memorandum submitted to the Assistant City Planner.

In denying the Applicant's 2018 application, the City Council acknowledged that the application met all objective conditional use standards. As set forth in the Staff Report, the 2019 application meets these standards as well. The Council denied the 2018 application due to its subjective belief that the proposed use was too intense for the small size of the property, the entrance from Hopkins Crossroad presented safety issues, and the improvements for Hopkins Crossroad which would alleviate these issues would not exist for several years. Clearly, each of these concerns has been addressed and completely negated. As noted in the Staff Report, the site size in 2018 was 1.95 acres compared to 2.86 in 2019 with the floor area in 2019 being only slightly larger. In 2018 the floor area ratio (FAR) was used by the Council in discussing intensity of use even though the ordinance does not establish a maximum FAR for religious facilities. As noted in the Staff Report, there are 21 existing religious facilities in Minnetonka located in residential areas. The FAR of these facilities ranges from 0.05 to 0.19. The FAR of the proposed Chabad Center would be well within this range. This is also true if the existing home on Mill Run is included in the FAR calculation. Without question, the intensity of use is no longer a legitimate issue. The Hopkins Crossroad access issue which concerned this Council in 2018 is also no longer an issue. The entrance and exit to the Chabad building will be from Hillside Lane and, as set forth in the SRF Memorandum, no significant operational impacts are expected as a result of the proposed development.

The City Attorney's Memorandum correctly summarizes Minnesota law in stating "If an applicant meets the requirements set forth in the zoning code for the issuance of a conditional use permit (CUP), the applicant is legally entitled to have the CUP approved." One additional caveat is instructive here. The courts in Minnesota have also long held that denial of a conditional use permit must be based on something more concrete than neighborhood opposition and expressions of concern for public safety and welfare. *Chanhassen Estates Residents Ass'n v. City of Chanhassen*, 342 N.W.2d 335 (Minn. 1984); *Inland Construction Co. v. City of Bloomington*,

Mayor Brad Wiersum  
Members of the Minnetonka City Council  
March 12, 2019  
Page 3

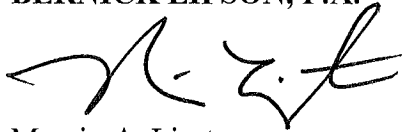
195 N.W. 2d 558 (1972). In short, the record must support substantive and identifiable reasons for a denial. The record in this matter does not support any rationale for a denial.

Finally, as the Council is well aware, because this application involves a religious institution, the dictates of the federal Religious Land Uses and Institutionalized Persons Act of 2000, 42 U.S.C. §2000cc ("RLUIPA"), must be adhered to. The City Attorney's Memorandum summarizes the scope of RLUIPA and sets forth the basic prohibition against any land use regulation that imposes a "substantial burden" on the exercise of a person or institution except where justified by a "compelling governmental interest" that the government pursues in the least restrictive means possible. There can be no real question that Chabad's application now before the Council meets all objective and subjective criteria set forth for conditional use permits. Accordingly, a denial of this application would not only be arbitrary under Minnesota law regarding conditional use permit applications but would also be contrary to the plain language and intent of RLUIPA.

The City of Minnetonka and its citizens will be proud of the Chabad Center for Jewish Life. It will contribute significantly to the diversity and culture of the city. The applicant respectfully requests that the City Council approve the Resolution for a conditional use permit for this religious institution.

Sincerely,

**BERNICK LIFSON, P.A.**

A handwritten signature in black ink, appearing to read "M. A. Liszt", with a stylized flourish at the end.

Marvin A. Liszt  
Attorney at Law

MAL:crb

cc: Chabad Center For Jewish Life

December 18, 2018

***Conditional Use Permit  
Chabad Center for Jewish Life***

2327/2333/2339 Hopkins Crossroad / 11170 Mill Run Road / 11021 Hillside Lane West  
Minnetonka, Minnesota 55305

***PROJECT SUMMARY***

The Chabad Center for Jewish Life project proposes to build a new religious institution on the newly combined lots of 2327, 2333, 2339 Hopkins Crossroad, 11170 Mill Run Road, and the 55' westerly portion of the 11021 Hillside Lane West lot. The currently proposed project includes the two additional lots of 2327 and 11021, which were acquired in response to community and City Council concerns about the relative scale of the prior project in relation to the parcel size. The current project now includes a total parcel size of 124,582 square feet (2.86 acres).

The Chabad Center for Jewish Life is a place where Jews, no matter of their affiliation or lack of it - individuals and families - can come together to experience and learn about their Judaism in a warm and welcoming way. A home where everyone is comfortable to visit.

The project proposes a one-story, residential scaled and proportioned building of approximately 16,000 finished square feet. The building will include a library, sanctuary space, social hall, offices and religious instruction space, as well as other religious and ceremonial spaces. The center will share the property with a renovated existing residential structure on 11170 Mill Run Road, which will be used as a home for the rabbi and his family.

As the lots are zoned R-1, the project requires a permit for the allowable conditional use as a religious institution. The project will be conforming to all applicable zoning and building codes, and will require no variances or additional conditional use permits.

In response to community and City Council concerns, extensive care and studies have been completed to design and locate the building appropriately and sensitively on the site and in relation to the surrounding neighborhood. The proposed design is residentially scaled and designed, with horizontal roof planes and beautiful stone walls broken by open expanses of glass. The mass (FAR) and height are significantly below of the maximum allowable by code. The landscape design will buffer the project from both the surrounding neighbors as well as the adjacent streets through a layering of trees, grading and plantings. The thoughtful proportions and heritage quality materials of the Center will be a welcome addition to the busy thoroughfare of Hopkins Crossroad, and will enrich the culture and diversity of the community.

***Key Project Data:***

Building Size:	16,408 square feet
Building Height:	17' (35' maximum allowable) (prior proposals were 29'-41')
Building Floor Area Ratio (FAR):	.13 (prior proposals were .21-.25)
Building Materials:	Masonry, metal panel, glass, EPDM roof
Setbacks:	
North Setback:	140'-244' (50' required)
East Setback:	50'-58' (50' required)
South Setback:	93'-132' (50' required)
West Setback:	59'-91' (50' required)
Impervious Surfaces:	46% (70% maximum allowable)
Parking Spaces:	60 (12 additional possible), (40 required by code)

***Site Access:***

In response to prior input from the community and City Council, the current design proposal is for site access to the building to be limited to Hillside Lane. This will eliminate driveway access off of Hopkins Crossroad.

The existing driveway access off of Mill Run to the private residence to be utilized for the rabbi's home will continue, with no through access provided (eliminating and crossover access).

***Site Organization/Design:***

The Chabad Center building has been sensitively sited near the center of the property, and at low grade of approximately +958. [NOTE: For reference, the southeast corner of the property on the Mill Run frontage is at El. +972; the main floor elevation of the Mill Run house is +967.5.] This location allows the building to be buffered from the surrounding properties by space, layers of trees and plantings, as well as select site fencing. The siting is paired with a low, residential scaled building, minimizing adverse impacts on the surrounding homes. Submitted diagrams demonstrate these relationships and minimal impact that is achieved.

In response to community and City Council concerns, the outdoor space for religious activities has been enclosed within a courtyard within the building. This design creates a protected space for Chabad Center, and protects the surrounding community from any ambient noise concerns.

***Lighting:***

Maintaining dark skies for current community members and for future generations is in keeping with the Chabad Center's planned low impact development. While lights are important for function and safety during the night hours, the lighting plan will set parameters that limit the total amount of light and the amount of time that lights are illuminated to prevent unnecessary light pollution. The Chabad Center will employ a moderate lighting scheme where lighting is used for safety and convenience, but not to light continuous areas with uniform coverage.

Site and exterior lighting design is guided by the following criteria:

- 1) To provide for safety, security and visibility for visitors to the Chabad Center.
- 2) To limit light spill and glare off-site - both to the surrounding neighborhood as well as the night sky. All exterior lighting will meet Dark Sky standards, and exceed City Zoning requirements (300.28):
  - Reflected glare or spill light shall not exceed five-tenths footcandles as measured on the property line when abutting any residential parcel.
  - Fixtures and locations have been selected to eliminate any direct, off-site, views of the light source
  - Overhead/pole site lighting will be limited to the hours of building use.
  - Final fixture selections and photometric studies will be provided to the City during building permit review to verify final conformance with these standards.
- 3) Interior lighting will be designed to effectively place light where it is needed for safety and visibility and affect and to limit lighting and energy use where and when not efficacious. Interior lighting will be limited and minimal during hours when the building is not in use.

Site and exterior lighting will be implemented with the following types of fixtures:

- ***Short Bollards:*** Select areas of the parking and drive areas will be illuminated with a residential style bollard fixture type similar or equal to the Bega LED System Bollard. These fixtures have shielded light sources that do not allow for direct view of the light source onsite.
- ***Tall Bollards:*** Select areas of the parking area will be illuminated with 6-10' tall residential style bollard light fixture type similar or equal to the Hess Novara LED

# PETERSSSEN/KELLER

architecture

fixture or Bega LED Pole-Top Luminaires. These fixtures have direct cut light sources that do not allow for direct view of the light source onsite.

- **Sconces:** Select locations on the building will feature wall sconce type fixtures similar or equal to Bega LED Wall Luminaires with Single Sided Light Output. These fixtures have shielded light sources that do not allow for direct view of the light source onsite, and direct light downward only.
- **Recessed Lighting:** The building entrance canopy will feature recessed type fixtures similar or equal to 4" Halo Recessed Downlights. These fixtures have shielded light sources that do not allow for direct view of the light source off-site, and direct light downward only.

## ***Parking:***

The property will have 60 parking spaces including three handicap accessible spaces. This quantity of parking spaces exceeds the required parking per City Zoning Code of 49. In response to community and City Council concerns, this parking count would meet the anticipated occupancy on "surge" events as well (150 people).

Note, this count does not count any existing parking for the rabbi's home, which features an additional capacity for five (5) vehicles in the residential driveway (3) and 2-car garage accessible off Mill Run. These spaces would be used the rabbi and his family, or visitors to his residence.

In the event that additional parking is ever required, Chabad Center has an agreement in place with Ackenberg Group (see attached letter) to use their parking lot at Cedar 73 Business area for overflow parking.

## ***Landscaping and Grading:***

The approach to the landscape design of the Chabad Center combines careful plant species selection with strategic intervention to create a low-impact, beautiful, functional, and ecologically balanced landscape. The landscape design will reflect the Chabad Center's desire to be a good neighbor, creating a positive impact on the social and natural environment.

A primary goal is to preserve and protect as many of the existing high-quality, mature trees as possible. Areas with standing groves of trees will be cleared of understory invasive species such as buckthorn, alleviating pressure from competing and undesirable species while allowing the existing trees to flourish. This understory grubbing will create a permeable screen of trees, creating moments of curated views into the site and to the center. The location of new plantings will follow the same guiding principle of providing both screening along sensitive boundaries requiring privacy, as well as visual access into the site at moments that present a welcoming face to the community. Maintaining areas of existing privacy between neighboring properties will continue to be a primary concern. Importantly, the impact of proposed tree plantings will be analyzed with sun studies so as to preserve access to natural light.

New hardscaping will be softened and balanced with planting areas that will increase the landscape's ability to receive and mitigate stormwater runoff. Areas of turf will be minimized in favor of plant species with more extensive root systems, which allows the landscape to withstand erosive conditions. The final selection of plant species will reflect the wooded character of the site, giving the center a strong sense of place and blending into the surrounding landscape at large.

## ***Trees:***

All Trees in the area of the addition (and parking area):

Existing trees to be preserved: 71

Existing trees to be removed: 75

New trees - deciduous: 28

New trees - coniferous: 60

As the design progresses, additional trees may be added to the site plan as needed to maintain visual character and provide roadway screening.

***Stormwater Management:***

The proposed development will require stormwater management measures meeting the standards of the city, the Minnehaha Creek Watershed District, and the MPCA. The existing drainage patterns at the property remain generally unchanged in the proposed condition, with the majority of runoff draining to the road right of ways. Standards of runoff rate control, volume control and treatment have been met with the proposed design, which incorporates an underground chamber system for retention and detention of runoff. Additional detail is provided in the project Storm Water Management Plan (SWMP).

# PETERSSSEN/KELLER

architecture

## ANTICIPATED OCCUPANCY USE

<i>Day / Event</i>	<i>Time of Day</i>	<i>Attendance</i>
<b><i>Monday - Friday</i></b>		
Morning Services	6:30am - 7:30am	10-15
Classes	Throughout day	5-15
Evening classes and lectures		
Ongoing classes	7:00pm - 9:00pm	5-15
Standard Lectures (25/Year)	7:30pm - 9:00pm	30-50
Large Lectures (2-3/Year)	7:00pm - 9:00pm	50-100
Office	8:30 am - 5:00pm	5-10
<u>Total Average Daily Use:</u>		<u>20-30</u>
<b><i>Friday Night</i></b>		
Weekly Services	Sunset	10-15
Monthly Shabbat meal	After 6:00pm	75-125
<b><i>Saturday</i></b> (Services)	10:00am - 2:00pm	50-100
<b><i>Sunday</i></b>		
Services & Class	8:00am - 9:15am	10-15
Classes	9:45am - 12:00pm	35-50
<b><i>Holiday Services*</i></b>		
Evening (13/year)	After Sunset	10-15
Morning (10/year)	10:00am - 12:30pm	25-100
Note: Some holiday services overlap & replace Saturday services		
<b><i>Larger Holiday Services</i></b>		
HH - Rosh Hashanah Day 1	9:00am - 2:00pm	75-150
Rosh Hashanah Day 2	9:00am - 2:00pm	75-150
Yom Kippur Eve	Sunset, about 7:00pm	75-150
Yom Kippur Day	9:00am - 3:00pm	75-150
Simchat Torah Eve	7:30pm-9:30pm	100-150
<b><i>Larger Holiday Events</i></b>		
Rosh Hashanah meal night 1	8:00pm	75-125
Purim Celebration	4:00pm	100 -150
Pesach Seder night 1	8:30pm	75-125
<b><i>Lifecycle events not on Saturday</i></b>		
2018 - 5 events	AM, PM	10 - 75
2017 - 6 events	AM, PM	10 - 75
<b><i>Lifecycle events</i></b> larger than typical Saturday morning service.		
2018 - 4 events	10:00am - 2:00pm	100 - 160
2017 - 5 events	10:00am - 2:00pm	100 - 150
<b><i>Other</i></b>		
Women's Mikva	After dark	Approximately four people per week by appointment only
Men's Mikva	6:30am	5 - 10

# PETERSSSEN/KELLER

architecture

December 18, 2018

## ***Conditional Use Permit Chabad Center for Jewish Life***

2327/2333/2339 Hopkins Crossroad / 11170 Mill Run Road / 11021 Hillside Lane West  
Minnetonka, Minnesota 55305

## ***ATTACHED DOCUMENTS***

***CONDITIONAL USE PERMIT: Request for a conditional use permit for a religious institution within an R-1 zoning area, as permitted under 300.10/4 of the City Zoning Code.***

### ***Response to review criteria 300.16/2 General Standards:***

The proposed project meets all of following required standards consistent with how the City has interpreted and applied these standards for other similar religious institutions within Minnetonka. The supportive documentation is as outlined below and supported by our other submitted application materials:

#### ***a) The use is consistent with the intent of this ordinance:***

The proposed project is consistent with intent of the Conditional Use Permit Standards for Residential Districts, as outlined in the 300.16/1:

*"It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this ordinance and the comprehensive plan."*

- Religious Institutions are explicitly listed as conditionally permitted uses in R-1 districts.
- ***Location:***
  - o The location of the site within the R-1 zoning area is well positioned according to the priorities of the City Zoning Code and 2030 Comprehensive Plan:
    - The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway (Hillside Lane). This allows for site access that is "provided without conducting significant traffic on local residential streets."
    - The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
- ***Size:***
  - o The size of the proposed project is appropriate and consistent with the purposes and intent of the ordinance and the Comprehensive Plan. This appropriateness can be demonstrated in a variety of methodologies:
    - **Floor Area Ratio (FAR):**
      - There is no maximum FAR requirement for religious institutions within R-1 districts. However, the project is within the range of other religious institutions that have been allowed by the City in R-1 districts (a range of .05-.19).
      - The FAR of the proposed project is significantly less than what would be allowable ***without*** any variances or conditional use permits if single-family residences were built on each individual lot. This establishes that the mass of the proposed project is well within what is envisioned for

# PETERSSSEN/KELLER

architecture

development with R-1 zoning, as residential development is allowed to be significantly larger than our proposed project without City review or approval. Each individual lot could accommodate a home of 15,000 square feet.

▪ Building Square Footage:

- There is not maximum square footage requirement for religious or residences on R-1 lots. However, the project is significantly smaller than the majority of religious institutions on R-1 zoning lots (which range from 6,662-72,000 square feet).
- The square footage of the proposed project is significantly less than what would be allowable ***without*** any variances or conditional use permits if single-family residences were built on each individual lot. This establishes that the expanse and building lot coverage of the proposed project is well within what is envisioned for development with R-1 zoning, as residential development is allowed to be significantly larger than our proposed project without City review or approval. Each individual lot could accommodate a home of 15,000 square feet, or a total square footage of 60,000 over the four lots.

▪ Parcel Size:

- The project parcel significantly exceeds the minimum lot size as required by City zoning code.
- The parcel size of 2.86 acres is within the range of other religious institutions with R-1 zoning districts (a range of 1.96-25.70 acres).

▪ Height:

- The project is 17' in height, significantly under the maximum building height of 35' established for both single family residences and religious institutions within the R-1 zoning district.
- The project is a single story in height, below the maximum allowable number of stories for single-family homes, and also below the typical new single-family home built in the area.

▪ Setbacks:

- The proposed building meets or exceeds the required 50' yard setbacks as required for a religious institution within the R-1 zoning district:
  - The setback along the east side is between 50' and 58'.
  - The setback along the south side is between 93' and 132' (excluding the existing single-family home).
  - The setback along the west side is between 59' and 91'.
  - The setback along the north side is between 140' and 244'.
  - The setback of 50' is beyond the required rear yard setback of 40' for a single-family home (20% of lot depth = 46'). This indicates that the proposed building will have significantly less impact on the

surrounding neighbors than an allowable single-family home might have **without** any required variances or conditional use permits.

- Impervious Surface Coverage:
  - The project's impervious surface coverage of 46% is significantly under the maximum allowable impervious surface coverage of 70% established for religious institutions within R-1 zoning districts.
  - The square footage of the proposed project is significantly less than what would be allowable **without** any variances or conditional use permits if single-family residences were built on each individual lot. In fact, single-family homes do not have any limitations for impervious surface coverage. This establishes the proposed amount of impervious surface coverage of the proposed project is well within what is envisioned for development with R-1 zoning.

- ***Design:***

- The design of the proposed project is appropriate and consistent with the purposes and intent of the ordinance and the Comprehensive Plan:
  - The design is residential in architectural style, inspired by a modern "prairie style" architecture of horizontal roof planes and beautiful masonry walls broken by open expanses of glass.
  - The design deconstructs the mass of the building into component elements, which reduces its perceived size and creates a human scaled design.
  - The building is sited to bring the height of the floor level as low to the site as is feasible. This limits the perceived scale of the building from the surrounding properties.
  - The height of the building is residential in scale, below the height of two-story adjacent homes, and well below the maximum allowable height of 35'.
  - The siting of the building, and proposed landscape plan, maintains as many significant trees to the extent possible, and proposes the addition of new trees and plantings. These trees will maintain and eventually enhance a rich tree canopy, as well as screen the project from the surrounding neighborhood.
  - The building is designed on all four sides, presenting a richly detailed façade to all viewpoints.
  - The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane instead of Hopkins Crossroad.

***b) The use is consistent with the goals, policies and objectives of the comprehensive plan:***

The proposed project is consistent with the goals, policies and objectives of the comprehensive plan:

- Per prior Staff findings, "The goals, policies and objectives of the comprehensive plan are generally the City's effort to create a vibrant and resilient community. Religious Institutions area component of such communities."
- ***Prior development precedents:***
  - The proposed project is similar in design and location within R-1 zoning to past religious institutional projects that the City has approved. This indicates that developments of this nature and intensity within the R-1

zoning area has already been demonstrated to meet the goals and objectives of the comprehensive plan.

- ***Natural Environment:***

- The project has been designed to maximize any available benefits to the natural environment, while limiting environmental disruption to the extent possible:
  - All stormwater runoff will be managed onsite through a comprehensive stormwater management plan that will meet or exceed City requirements. This will be a net decrease from the current stormwater runoff that exists on the sites.
  - The project has been sited to minimize significant tree removal and site grading to the extent possible.
  - The project will plant a minimum of 88 new trees, enhancing the City tree canopy into the future.
  - As a religious institution, the construction and material quality of the building and site work will be of heritage quality. This enhances and revitalizes the surrounding built environment and neighborhood.
  - The project site has already been developed and disrupted, which minimizes the impact that would otherwise be had for a greenfield site.
  - The agreement with Ackerberg to provide overflow parking for significant holiday events decreases traffic on these days, and limits the parking lot size onsite.

- ***Public Safety/Transportation:***

- The location of the site within the R-1 zoning area is well positioned according to the priorities of the City Zoning Code and 2030 Comprehensive Plan, as stated in the 2030 Strategic Vision and Goals:
  - The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is “provided without conducting significant traffic on local residential streets.”
  - The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
- The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane only for guests in order to enhance public safety.
- The entrance off of Hillside Lane coordinates with the City’s stated plan to provide sidewalk infrastructure along Hillside Lake in the future.
- The provision of the City code required parking onsite to accommodate typical daily and weekly activities ensures street parking is not needed. This enhances public safety.
- The agreement with Ackerberg to provide overflow parking for significant holiday events decreases traffic on these days, and limits the parking lot size onsite.
- The traffic study completed by the City expert “concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center.”

- ***Development:***

○ ***Prior development precedents:***

The proposed project is similar in design and location to past religious institutional projects that the City has approved in the past. This indicates

that developments of this nature and intensity within the R-1 zoning area has already been demonstrated to meet the goals and objectives of the comprehensive plan.

- The proposed project will enhance the neighborhood compared to the existing structures onsite, ensuring continued community vitality and redevelopment. Given the sites proximity to such a significant arterial road, it is questionable if the properties would otherwise attract new residential single-family home development.
- The proposed project carefully balances individual property rights with the public interest as:
  - The project meets all the required zoning requirements without the need for variances.
  - The project is significantly under the required building height.
  - The project is significantly under the maximum required impervious surface.
  - The project meets or exceeds the setback requirements.
  - The current project design and siting is specifically responsive to the concerns raised by the City Council and some neighbors while still providing for the needs of the building occupants.
- ***Building Community:***
  - As a religious institution, the proposed Chabad Center for Jewish Life promotes activities that encourage understanding and involvement. The congregation is open and welcoming, encouraging those of all faiths to join them in an exploration of Judaism. This includes community-oriented events.
  - As a minority religious development, the project will bring greater diversity to the community, and will foster increased inclusiveness and understanding.
  - As a religious institution, the project supports a specific comprehensive plan policy to “Support and collaborate with schools, agencies, non-profits and others that support diverse lifecycle and cultural services and programs for residents.”

***c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements:***

The proposed project does not have an adverse impact on governmental facilities, utilities, services or existing or proposed improvements:

- The site access is coordinated with City plans for a future sidewalk along Hillside Lane.
- All required utility easements are being maintained.
- The project does not impact any future improvements of Hopkins Crossroad by the City or County.

***d) The use does not have an undue adverse impact on the public health, safety or welfare.***

The proposed project does not have an undue adverse impact on the public health, safety or welfare:

- **Traffic/Site Access:**

- The initial traffic study completed by the City expert “concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center.”
- The projects impact on daily traffic along Hopkins Crossroad and Hillside Lane will be negligible. Hopkins Crossroad has a current average daily auto

volume of 14,500. The City expert's initial traffic study indicated the project would increase volume by approximately .7%.

- The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane only in order to enhance public safety. This eliminates concerns that were raised about access directly off of Hopkins Crossroad.
- The project provides for all required parking for the project without relying on street parking.
- The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is "provided without conducting significant traffic on local residential streets."
- Fire/Public Safety:
  - The proposed project and the site plan allows for fire access as required by the City Fire Chief, and reflects his input and advisement.

***Response to review criteria 300.16/3/b Specific Standards for Religious Institutions:***

The proposed project meets all of following required standards consistent with how the City has interpreted and applied these standards for other similar religious institutions within Minnetonka. The supportive documentation is as outlined below and supported by our other submitted application materials:

***1) Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets:***

The proposed project site specifically meets this requirement:

- The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is "provided without conducting significant traffic on local residential streets."
- The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
- The initial traffic study completed by the City expert "concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center."

***2) Buildings set back 50 feet from all property lines:***

The proposed building meets or exceed the 50' setback requirement:

- The setback along the east side is between 50' and 58'.
- The setback along the south side is between 93' and 132' (excluding the existing single-family home).
- The setback along the west side is between 59' and 91'.
- The setback along the north side is between 140' and 244'.

***3) Parking spaces and parking setbacks subject to section 300.28 of this ordinance:***

The project meets or exceeds all parking and loading requirements as detailed in 300.28/12, including:

- The project provides for onsite parking that exceeds the code required parking requirements.
- All parking spaces and drive lanes meet or exceed the minimum yard setback of 20' from the property lines.

***4) No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped:***

The proposed project will have impervious surfaces not to exceed 47%, well below the maximum allowable coverage. In addition, all stormwater runoff will be managed onsite, an improvement from the existing conditions. Minimum design standards are detailed in the submitted documents.

The remainder of the site will be carefully designed to provide contextual infill trees to provide screening from the surrounding residences. This will include a mix of existing significant trees, new coniferous trees, new deciduous trees, bushes and low-maintenance groundcover. Initial minimum landscape design is included in the submitted documentation.

**5) *Site and building plan subject to review pursuant to section 300.27 of this ordinance:***

The proposed project will satisfy the relevant site and building design requirements as detailed in 300.27. Such conformance is detailed in our current submittal, or will be provided at the appropriate time in the review and submittal process.

The proposed project meets the intent and purpose this ordinance seeks to accomplish:

**a) *Implement the comprehensive plan:***

As detailed in prior responses, the project as proposed meets the goals and intent of the comprehensive plan. Specifically, religious institutions are explicitly listed as conditionally permitted uses in R-1 zoning districts.

**b) *Maintain and improve the city's tax base to a reasonable extent:***

Although the project itself will not increase the City's tax base, we anticipate the addition of a heritage quality religious institution within the community will enhance the quality of life within the City and have a positive overall long-term impact on the tax base:

- The new institution will attract a broader base of residents that will desire to live in the vicinity.
- The quality of the building will improve the aesthetic and streetscape experience of the community.

**c) *Mitigate to the extent feasible adverse impacts of one land use upon another:***

As detailed in prior responses, the residentially inspired and scaled project is designed to blend with the surrounding neighborhood and limits the impact of the project on the adjacent residents. This includes:

- The project is located adjacent to Hopkins Crossroad and Hillside Lane. Site access off of Hillside Lane, as requested by the City and neighborhood, will limit traffic through the residential neighborhood.
- The project is residential scaled and designed, and significantly under the maximum required FAR and height.
- The project is sited and landscape to be screened from the surrounding homes.
- The exterior lighting is designed to meet or exceed the Dark Sky requirements, and will meet or exceed the lighting requirements of the Zoning Code limiting light levels onto adjacent properties.

**d) *Promote the orderly and safe flow of vehicular and pedestrian traffic:***

- The initial traffic study completed by the City expert "concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center."
- The location of the site within the R-1 zoning area is well positioned according to the priorities of the City Zoning Code and 2030 Comprehensive Plan, as stated in the 2030 Strategic Vision and Goals:
  - The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This

allows for site access that is “provided without conducting significant traffic on local residential streets.”

- The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
- The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane only for guests in order to enhance public safety.
- The entrance off of Hillside Lane coordinates with the City’s stated plan to provide sidewalk infrastructure along Hillside Lake in the future.
- The provision of the City code required parking onsite to accommodate typical daily and weekly activities ensures street parking is not needed. This enhances public safety.
- The agreement with Ackerberg to provide overflow parking for significant holiday events decreases traffic on these days, and limits the parking lot size onsite.

***The proposed project meets the review Standards as per 300.27/5:***

- a) Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan:
  - As detailed in prior responses, the project as proposed meets the goals and intent of the comprehensive plan. Specifically, religious institutions are explicitly listed as conditionally permitted uses in R-1 zoning districts.
  - The proposed project will enhance the neighborhood compared to the existing structures onsite, ensuring continued community vitality and redevelopment. Given the sites proximity to such a significant arterial road, it questionable if the properties would otherwise attract new residential single-family home development.
  - Stormwater management will exceed City requirements and improve upon the current conditions, as detailed within our submittal.
- b) Consistency with this ordinance:
  - As detailed in prior responses, the project as proposed meets the goals and intent of the comprehensive plan. Specifically, religious institutions are explicitly listed as conditionally permitted uses in R-1 zoning districts.
  - The project is similar in scale, scope, site size and characteristics of other religious institutions within R-1 zoning areas that have been approved in the past by the City.
  - The project meets all zoning requirements, and requires no variances.
- c) Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas:
  - The siting of the building, and proposed landscape plan, maintains as many significant trees to the extent possible, and proposes the addition of new trees and plantings. These trees will maintain and eventually enhance a rich tree canopy, as well as screen the project from the surrounding neighborhood.
  - The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.
- d) Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development:

# PETERSSSEN/KELLER

*architecture*

- The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.
  - The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.
  - The design deconstructs the mass of the building into component elements, which reduces its perceived size and creates a human scaled design.
  - The building is sited to bring the height of the floor level as low to the site as is feasible. This limits the perceived scale of the building from the surrounding properties.
- e) Creation of a functional and harmonious design for structures and site features, with special attention to the following:
- 1) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community:
    - The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.
    - The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.
    - The design deconstructs the mass of the building into component elements, which reduces its perceived size and creates a human scaled design.
    - The building is sited to bring the height of the floor level as low to the site as is feasible. This limits the perceived scale of the building from the surrounding properties.
  - 2) the amount and location of open space and landscaping:
    - The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.
  - 3) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses:
    - The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.
  - 4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
    - All site circulation has been carefully designed by the civil engineers and landscape architect to ensure adequate widths for turning of both autos and emergency vehicles.

# PETERSSSEN/KELLER

architecture

- f) Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading:
  - o As a new building, the project will meet or exceed the new building and energy codes.
  - o The project has been sited to reduce grading to the extent possible. Any usable fill will be stored and reused onsite.
- g) protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
  - o No stormwater runoff will go onto the surrounding properties.
  - o The project has been sited and landscaped to buffer the project from all surrounding residences—including of views, light, air, site and sound.

Supporting documentation is contained within the submitted documents.

***The proposed project meets the Architectural Standards as per 300.27/13, including:***

- The building is designed with quality architectural materials, including masonry, metal or composite panel and glass. The design is residential in style and scale, and are of a quality to complement or exceed the surrounding neighborhood structures.
- All mechanical equipment, trash and recycling bins, will be enclosed consistent with the design and materials of the building. Such services are located to as not to intrude upon the surrounding properties.
- All utilities for the project will be provided underground.

***The proposed project meets the or exceeds the Minimum Landscaping Requirements as per 300.27/15:***

- a) All areas of the lot that are not hardscape will be landscaped overstory trees, understory trees, shrubs, and ground cover materials. The minimum initial landscape design is provided in our submittals.  
The proposed budget for the landscape will meet or exceed required minimum value of 1%, or \$45,000.
- b) The project has been sited and graded in such a way as to preserve as many existing trees as is feasible, as detailed in our submittals.
- c) All new trees will meet the minimum requirements for size upon installation, as detailed in our submittals.
- d) All areas that are not hardscape, or covered with existing vegetation, will be covered with sod or ground cover, as detailed in our submittals.
- e) An underground sprinkler system will be provided to all landscaped areas, except where existing natural landscape is being preserved.
- f) All trees will be of approved species and mix as required, and as detailed in our submittals.

***The proposed project meets the or exceeds the Interior Parking Lot Landscaping Requirements as per 300.27/16, including:***

- b) The proposed site plan provides for landscaped and curbed parking islands to breakup any expanse of parking area. Such islands will contain trees and appropriate ground cover. The number of trees will exceed the requirement of one for every 15 parking spaces. Details are contained within our submittals.

***The proposed project meets the or exceeds the Screening and Buffering Requirements as per 300.27/20, including:***

- 3) The proposed off-street parking area will be screen and buffered from the adjacent residential lots through a combination of deciduous and conifer

# PETERSSEN/KELLER

*architecture*

trees, and select perimeter site fencing. Details are provided within our submittal.

- 4) All trash and recycling dumpsters are located to be concealed and screened by landscape from the surrounding lots and public roads. Details are provided within our submittal.



# CHABAD CENTER FOR JEWISH LIFE

2327, 2333, 2339 HOPKINS CROSSROAD / 11170 MILL RUN ROAD / 11021 HILLSIDE LANE WEST, MINNETONKA, MN 55305



## CLIENT

MINNEAPOLIS CHABAD LUBAVITCH  
2845 HEDBERG DR.  
MINNETONKA, MN 55305  
CONTACT: RABBI MORDECHAI GROSSBAUM  
PHONE: 952.929.9922



## ARCHITECT

PETERSSEN / KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408  
CONTACT: RYAN FISH  
PHONE: 612.353.4920



## CIVIL

CIVIL METHODS, INC.  
1551 LIVINGSTON AVENUE, SUITE 104  
WEST SAINT PAUL, MN 55118  
CONTACT: DAVE POGGI, PE  
PHONE: 763.210.5713



## SURVEY

HARRY S. JOHNSON CO. INC.  
9063 LYNDALE AVENUE SOUTH  
BLOOMINGTON, MN 55437  
CONTACT: THOMAS HODORFF  
PHONE: 952.884.5341



## LANDSCAPE ARCHITECT

TRAVIS VAN LIERE STUDIO, LLC  
211 1ST STREET NORTH, #350  
MINNEAPOLIS, MN 55401  
CONTACT: TRAVIS VAN LIERE  
PHONE: 612.760.0494



P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

CHABAD CENTER FOR JEWISH LIFE

PERSPECTIVE 01- WEST ELEVATION FROM HOPKINS CROSSROAD



P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

CHABAD CENTER FOR JEWISH LIFE

PERSPECTIVE 02 - FROM NORTH WEST



P/K

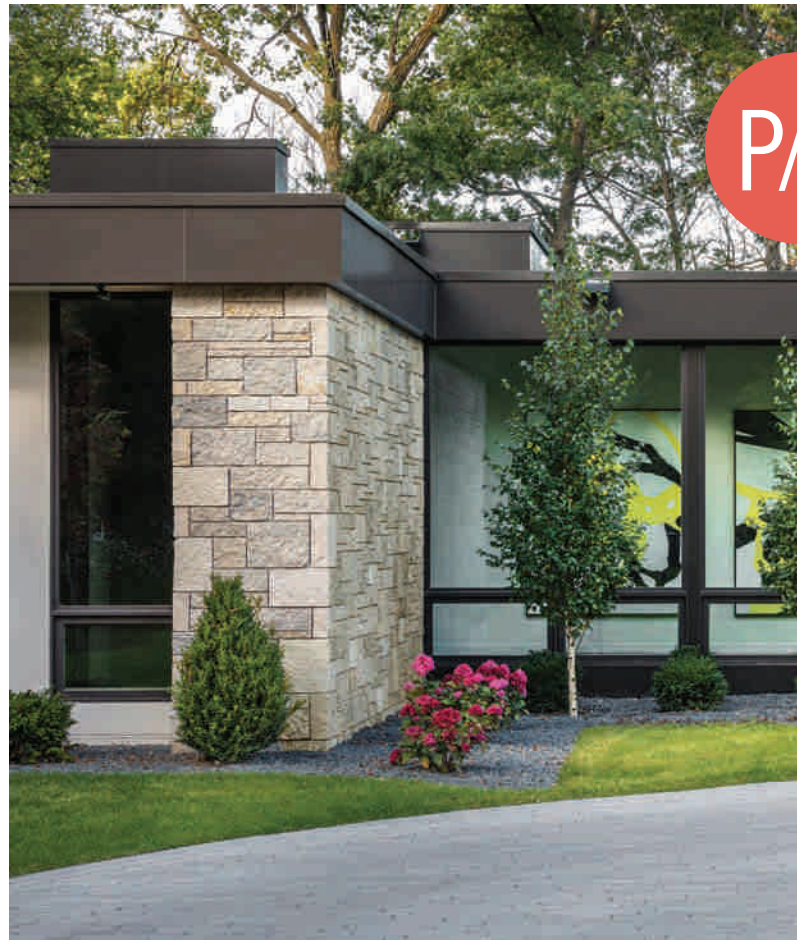
PETERSEN + KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

CHABAD CENTER FOR JEWISH LIFE

PERSPECTIVE 03 - NORTH EAST FROM ENTRY DRIVE

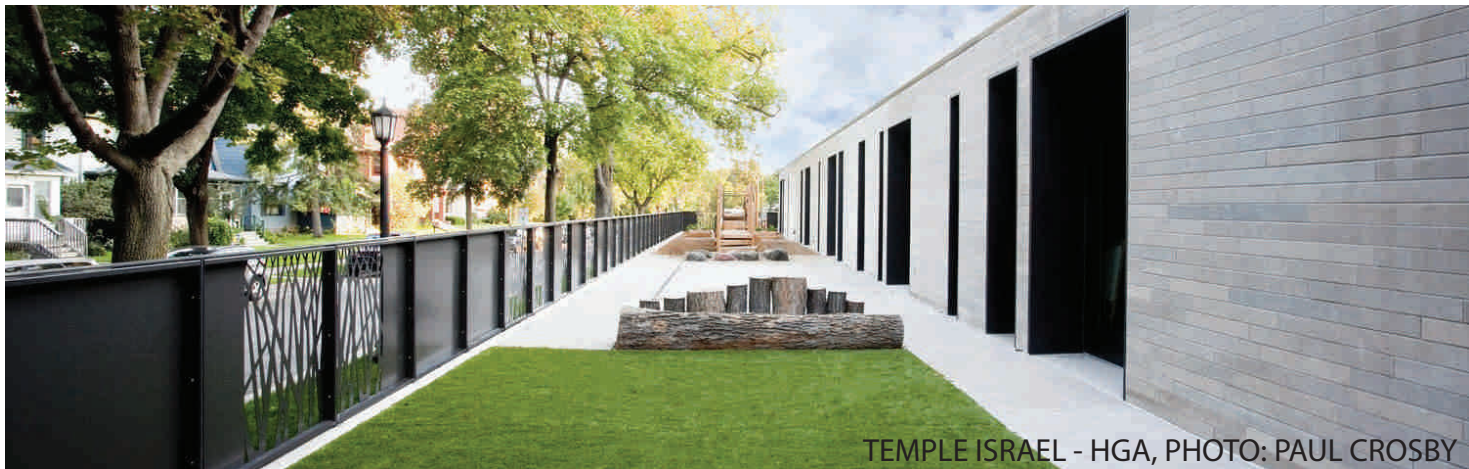


SUNFISH LAKE RESIDENCE - PETERSSEN/KELLER ARCHITECTURE, PHOTO: PAUL CROSBY



P/K

PETERSSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408



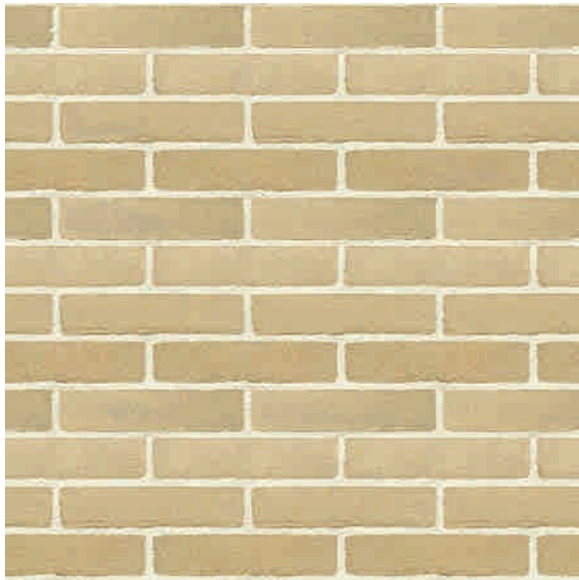
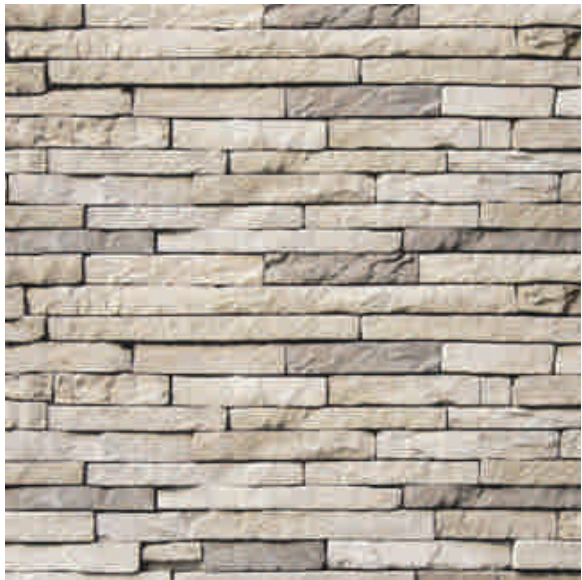
TEMPLE ISRAEL - HGA, PHOTO: PAUL CROSBY



SHORELINE RESIDENCE - PETERSSEN/KELLER ARCHITECTURE PHOTO: PAUL CROSBY

## DESIGN INSPIRATION

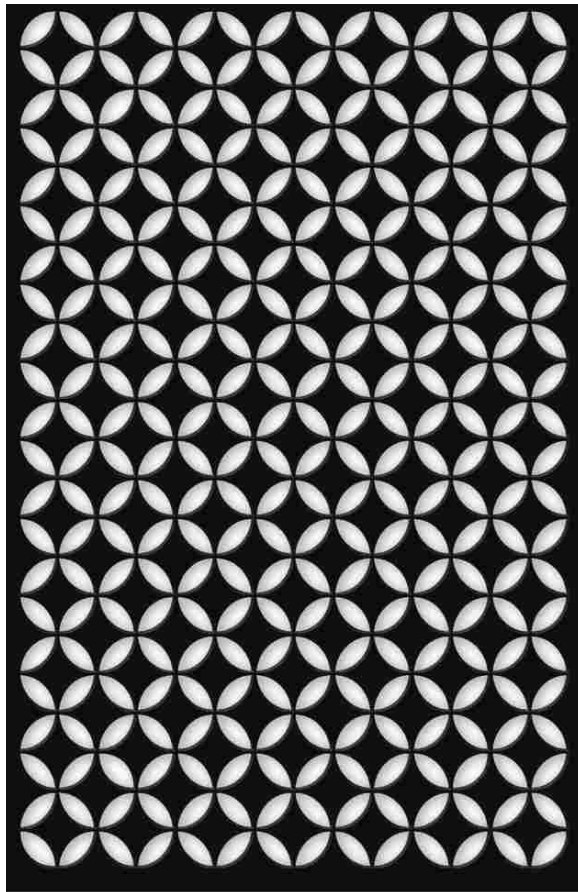
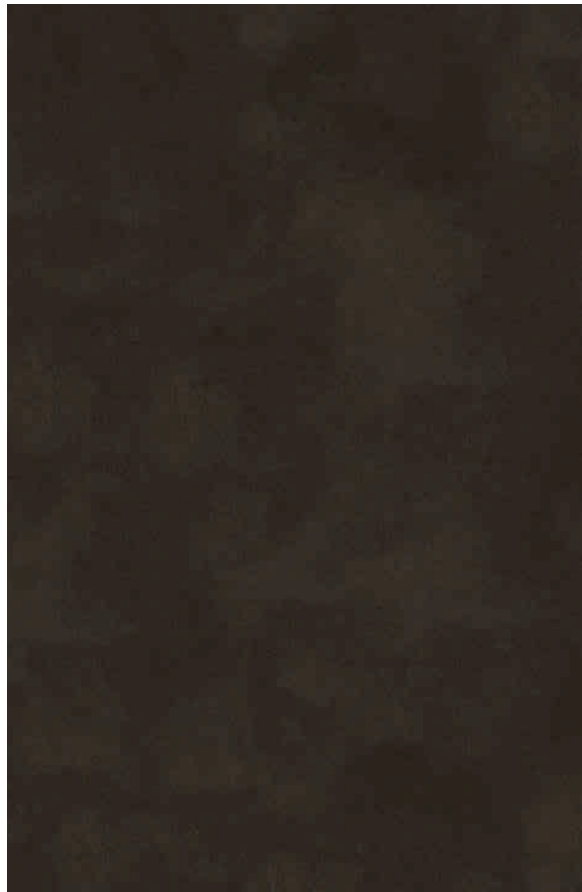
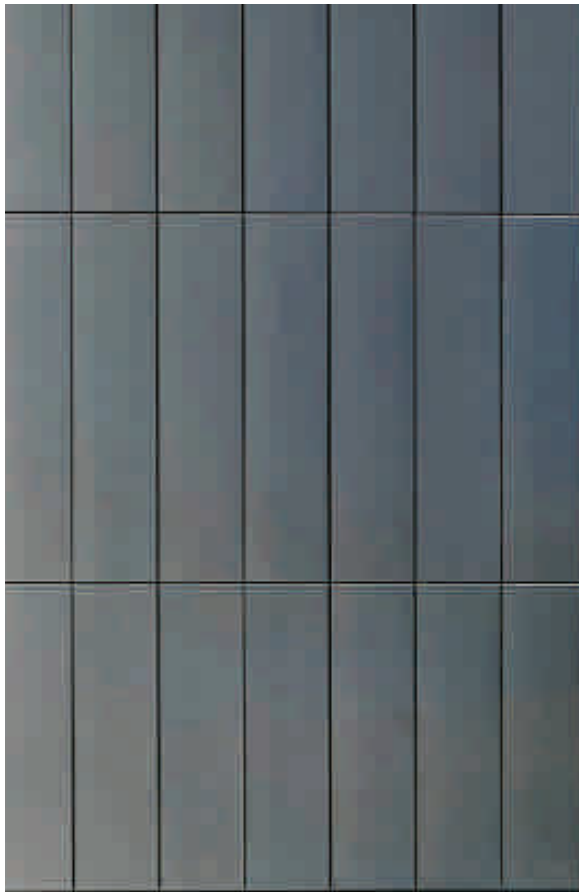
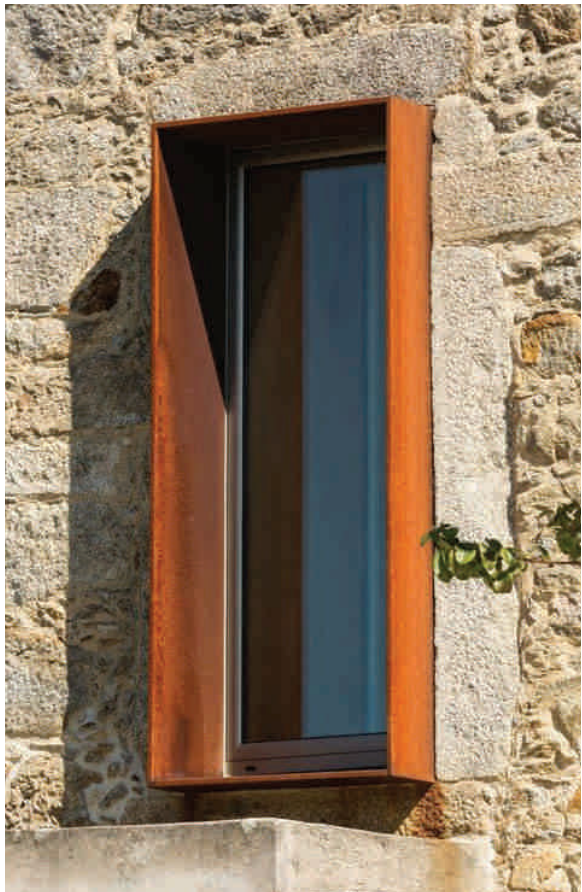
CHABAD CENTER FOR JEWISH LIFE



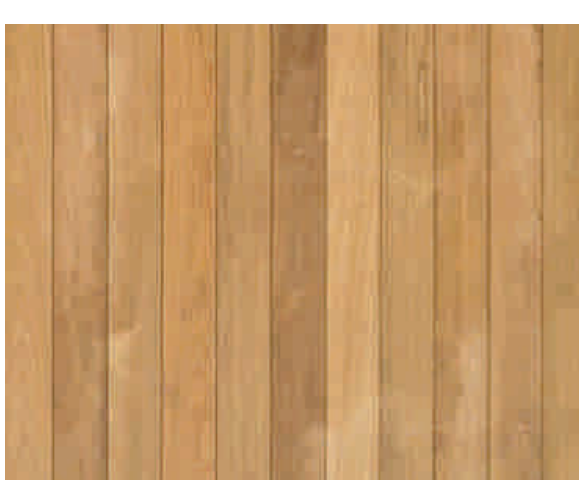
P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

1. MASONRY

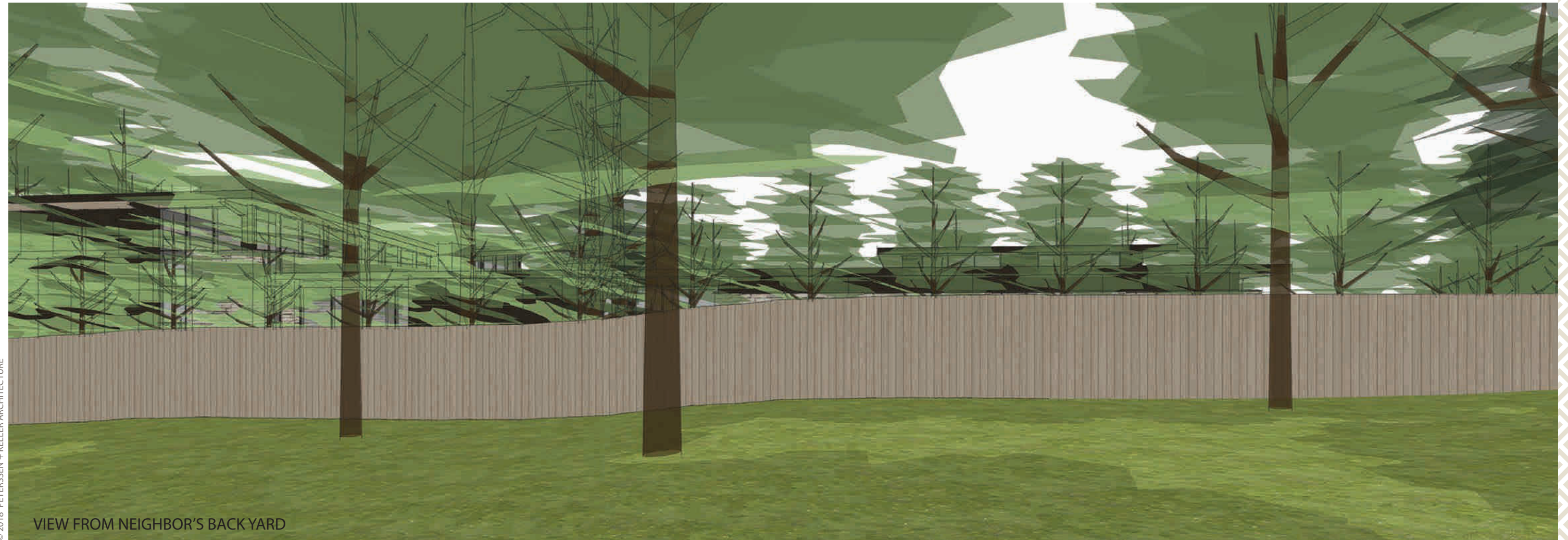
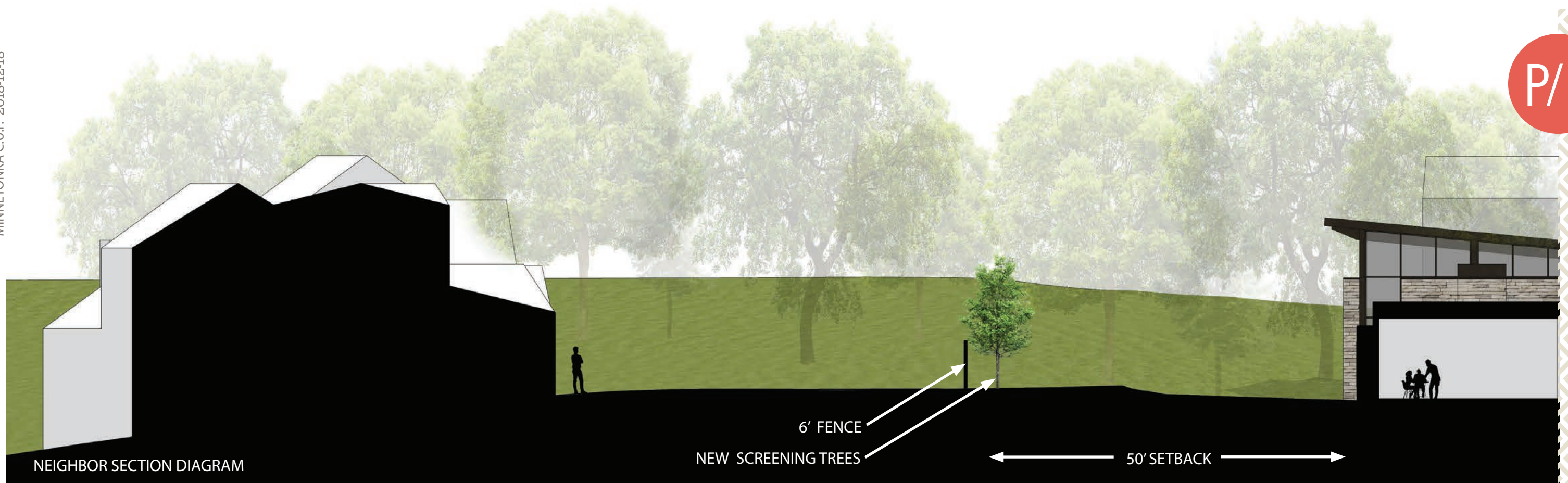


2. METAL SURROUNDS /  
COMPOSITE PANEL

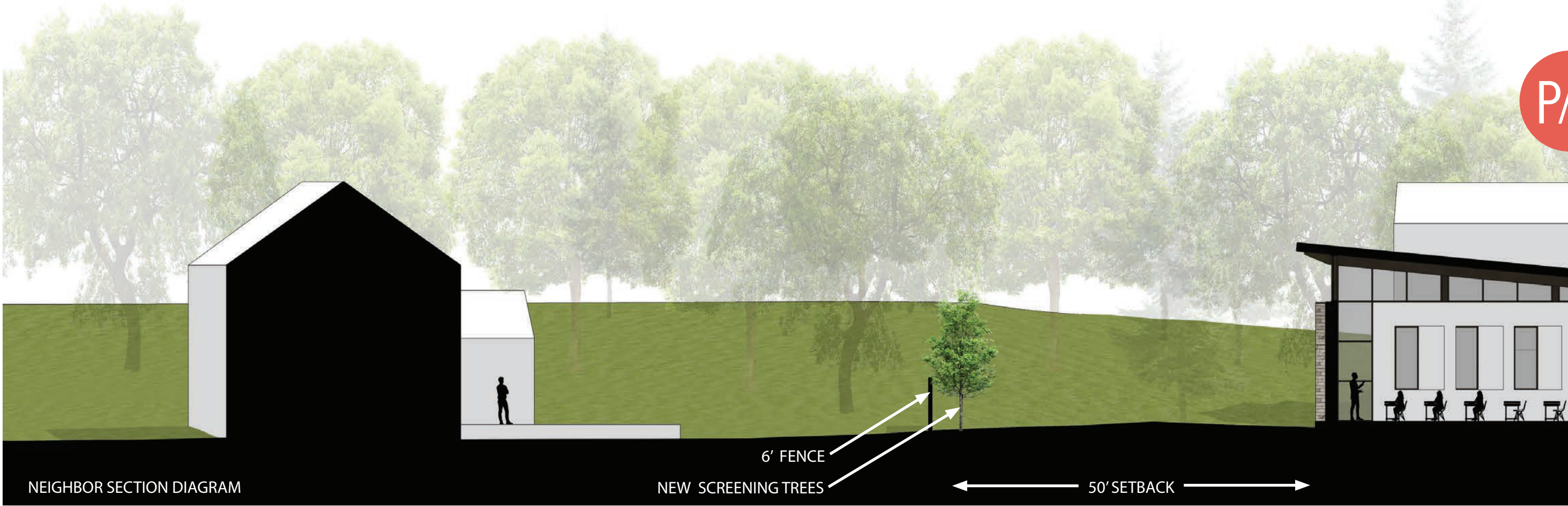


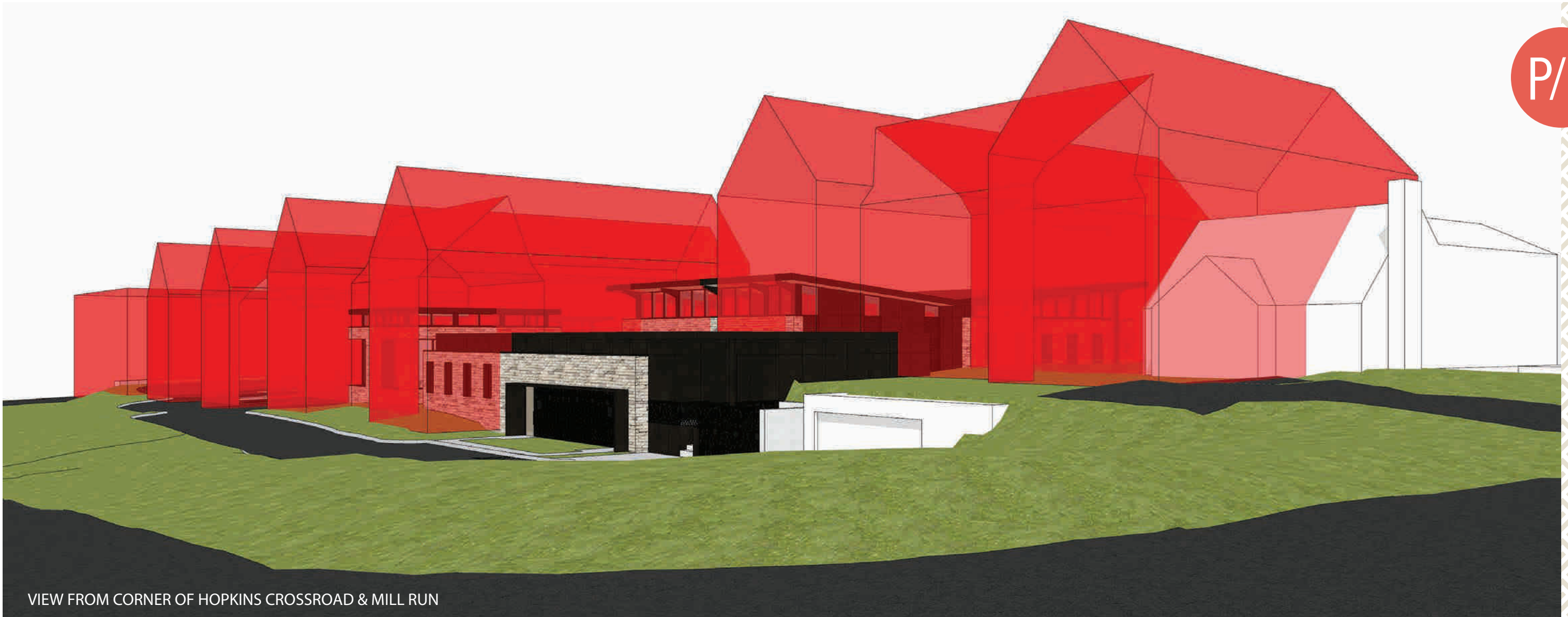
3. NATURAL WOOD

MATERIALITY



2390 VERNON CIRCLE





VIEW FROM CORNER OF HOPKINS CROSSROAD & MILL RUN



VIEW FROM HOPKINS CROSSROAD

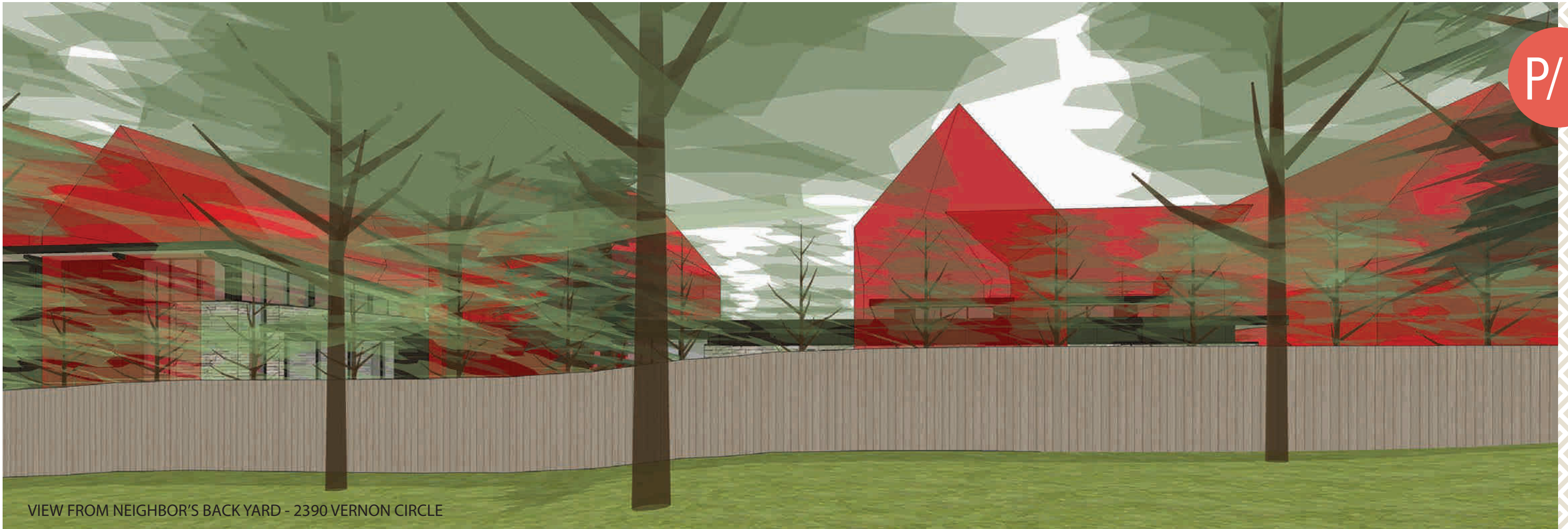
## VISUAL COMPARISON TO RESIDENTIAL USE

These diagrams show massing of speculative houses (in red) that meet the City of Minnetonka's height, setbacks, F.A.R., and lot coverage code for single-family homes. If four new houses were to be built on these lots, they would likely be taller and have more combined square footage than the proposed single-story Chabad Center.

P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

CHABAD CENTER FOR JEWISH LIFE



VIEW FROM NEIGHBOR'S BACK YARD - 2390 VERNON CIRCLE

P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408



VIEW FROM NEIGHBOR'S BACK YARD - 2391 VERNON CIRCLE

CHABAD CENTER FOR JEWISH LIFE





**F** ԻՍՄԱԿԻԱՆ ՄԱՐԿԻ



G ÒÒÈÙVÀÒŠÒXÒÈ/ÙÞ  
ÙÒÓŠÒKFBÄMFGÄ

𐤀𐤅𐤆𐤇𐤈𐤉𐤊𐤋𐤌𐤍𐤎𐤏𐤐𐤑𐤒𐤓𐤔𐤕𐤖𐤗𐤘𐤙𐤚𐤛𐤜𐤝𐤞𐤟𐤠𐤡𐤢𐤣𐤤𐤥𐤦𐤧𐤨𐤩𐤪𐤫𐤬𐤭𐤮𐤯𐤰𐤱𐤲𐤳𐤴𐤵𐤶𐤷𐤸𐤹𐤺𐤻𐤼𐤽𐤾𐤿𐥀𐥁𐥂𐥃𐥄𐥅𐥆𐥇𐥈𐥉𐥊𐥋𐥌𐥍𐥎𐥏𐥐𐥑𐥒𐥓𐥔𐥕𐥖𐥗𐥘𐥙𐥚𐥛𐥜𐥝𐥞𐥟𐥠𐥡𐥢𐥣𐥤𐥥𐥦𐥧𐥨𐥩𐥪𐥫𐥬𐥭𐥮𐥯𐥰𐥱𐥲𐥳𐥴𐥵𐥶𐥷𐥸𐥹𐥺𐥻𐥼𐥽𐥾𐥿𐧀𐧁𐧂𐧃𐧄𐧅𐧆𐧇𐧈𐧉𐧊𐧋𐧌𐧍𐧎𐧏𐧐𐧑𐧒𐧓𐧔𐧕𐧖𐧗𐧘𐧙𐧚𐧛𐧜𐧝𐧞𐧟𐧠𐧡𐧢𐧣𐧤𐧥𐧦𐧧𐧨𐧩𐧪𐧫𐧬𐧭𐧮𐧯𐧰𐧱𐧲𐧳𐧴𐧵𐧶𐧷𐧸𐧹𐧺𐧻𐧼𐧽𐧾𐧿𐨀𐨁𐨂𐨃𐨄𐨅𐨆𐨇𐨈𐨉𐨊𐨋𐨌𐨍𐨎𐨏𐨐𐨑𐨒𐨓𐨔𐨕𐨖𐨗𐨘𐨙𐨚𐨛𐨜𐨝𐨞𐨟𐨠𐨡𐨢𐨣𐨤𐨥𐨦𐨧𐨨𐨩𐨪𐨫𐨬𐨭𐨮𐨯𐨰𐨱𐨲𐨳𐨴𐨵𐨶𐨷𐨹𐨺𐨸𐨻𐨼𐨽𐨾𐨿𐩀𐩁𐩂𐩃𐩄𐩅𐩆𐩇𐩈𐩉𐩊𐩋𐩌𐩍𐩎𐩏𐩐𐩑𐩒𐩓𐩔𐩕𐩖𐩗𐩘𐩙𐩚𐩛𐩜𐩝𐩞𐩟𐩠𐩡𐩢𐩣𐩤𐩥𐩦𐩧𐩨𐩩𐩪𐩫𐩬𐩭𐩮𐩯𐩰𐩱𐩲𐩳𐩴𐩵𐩶𐩷𐩸𐩹𐩺𐩻𐩼𐩽𐩾𐩿𐪀𐪁𐪂𐪃𐪄𐪅𐪆𐪇𐪈𐪉𐪊𐪋𐪌𐪍𐪎𐪏𐪐𐪑𐪒𐪓𐪔𐪕𐪖𐪗𐪘𐪙𐪚𐪛𐪜𐪝𐪞𐪟𐪠𐪡𐪢𐪣𐪤𐪥𐪦𐪧𐪨𐪩𐪪𐪫𐪬𐪭𐪮𐪯𐪰𐪱𐪲𐪳𐪴𐪵𐪶𐪷𐪸𐪹𐪺𐪻𐪼𐪽𐪾𐪿𐫀𐫁𐫂𐫃𐫄𐫅𐫆𐫇𐫈𐫉𐫊𐫋𐫌𐫍𐫎𐫏𐫐𐫑𐫒𐫓𐫔𐫕𐫖𐫗𐫘𐫙𐫚𐫛𐫜𐫝𐫞𐫟𐫠𐫡𐫢𐫣𐫤𐫦𐫥𐫧𐫨𐫩𐫪𐫫𐫬𐫭𐫮𐫯𐫰𐫱𐫲𐫳𐫴𐫵𐫶𐫷𐫸𐫹𐫺𐫻𐫼𐫽𐫾𐫿𐬀𐬁𐬂𐬃𐬄𐬅𐬆𐬇𐬈𐬉𐬊𐬋𐬌𐬍𐬎𐬏𐬐𐬑𐬒𐬓𐬔𐬕𐬖𐬗𐬘𐬙𐬚𐬛𐬜𐬝𐬞𐬟𐬠𐬡𐬢𐬣𐬤𐬥𐬦𐬧𐬨𐬩𐬪𐬫𐬬𐬭𐬮𐬯𐬰𐬱𐬲𐬳𐬴𐬵𐬶𐬷𐬸𐬹𐬺𐬻𐬼𐬽𐬾𐬿𐭀𐭁𐭂𐭃𐭄𐭅𐭆𐭇𐭈𐭉𐭊𐭋𐭌𐭍𐭎𐭏𐭐𐭑𐭒𐭓𐭔𐭕𐭖𐭗𐭘𐭙𐭚𐭛𐭜𐭝𐭞𐭟𐭠𐭡𐭢𐭣𐭤𐭥𐭦𐭧𐭨𐭩𐭪𐭫𐭬𐭭𐭮𐭯𐭰𐭱𐭲𐭳𐭴𐭵𐭶𐭷𐭸𐭹𐭺𐭻𐭼𐭽𐭾𐭿𐮀𐮁𐮂𐮃𐮄𐮅𐮆𐮇𐮈𐮉𐮊𐮋𐮌𐮍𐮎𐮏𐮐𐮑𐮒𐮓𐮔𐮕𐮖𐮗𐮘𐮙𐮚𐮛𐮜𐮝𐮞𐮟𐮠𐮡𐮢𐮣𐮤𐮥𐮦𐮧𐮨𐮩𐮪𐮫𐮬𐮭𐮮𐮯𐮰𐮱𐮲𐮳𐮴𐮵𐮶𐮷𐮸𐮹𐮺𐮻𐮼𐮽𐮾𐮿𐯀𐯁𐯂𐯃𐯄𐯅𐯆𐯇𐯈𐯉𐯊𐯋𐯌𐯍𐯎𐯏𐯐𐯑𐯒𐯓𐯔𐯕𐯖𐯗𐯘𐯙𐯚𐯛𐯜𐯝𐯞𐯟𐯠𐯡𐯢𐯣𐯤𐯥𐯦𐯧𐯨𐯩𐯪𐯫𐯬𐯭𐯮𐯯𐯰𐯱𐯲𐯳𐯴𐯵𐯶𐯷𐯸𐯹𐯺𐯻𐯼𐯽𐯾𐯿𐰀𐰁𐰂𐰃𐰄𐰅𐰆𐰇𐰈𐰉𐰊𐰋𐰌𐰍𐰎𐰏𐰐𐰑𐰒𐰓𐰔𐰕𐰖𐰗𐰘𐰙𐰚𐰛𐰜𐰝𐰞𐰟𐰠𐰡𐰢𐰣𐰤𐰥𐰦𐰧𐰨𐰩𐰪𐰫𐰬𐰭𐰮𐰯𐰰𐰱𐰲𐰳𐰴𐰵𐰶𐰷𐰸𐰹𐰺𐰻𐰼𐰽𐰾𐰿𐱀𐱁𐱂𐱃𐱄𐱅𐱆𐱇𐱈𐱉𐱊𐱋𐱌𐱍𐱎𐱏𐱐𐱑𐱒𐱓𐱔𐱕𐱖𐱗𐱘𐱙𐱚𐱛𐱜𐱝𐱞𐱟𐱠𐱡𐱢𐱣𐱤𐱥𐱦𐱧𐱨𐱩𐱪𐱫𐱬𐱭𐱮𐱯𐱰𐱱𐱲𐱳𐱴𐱵𐱶𐱷𐱸𐱹𐱺𐱻𐱼𐱽𐱾𐱿𐲀𐲁𐲂𐲃𐲄𐲅𐲆𐲇𐲈𐲉𐲊𐲋𐲌𐲍𐲎𐲏𐲐𐲑𐲒𐲓𐲔𐲕𐲖𐲗𐲘𐲙𐲚𐲛𐲜𐲝𐲞𐲟𐲠𐲡𐲢𐲣𐲤𐲥𐲦𐲧𐲨𐲩𐲪𐲫𐲬𐲭𐲮𐲯𐲰𐲱𐲲𐲳𐲴𐲵𐲶𐲷𐲸𐲹𐲺𐲻𐲼𐲽𐲾𐲿𐳀𐳁𐳂𐳃𐳄𐳅𐳆𐳇𐳈𐳉𐳊𐳋𐳌𐳍𐳎𐳏𐳐𐳑𐳒𐳓𐳔𐳕𐳖𐳗𐳘𐳙𐳚𐳛𐳜𐳝𐳞𐳟𐳠𐳡𐳢𐳣𐳤𐳥𐳦𐳧𐳨𐳩𐳪𐳫𐳬𐳭𐳮𐳯𐳰𐳱𐳲𐳳𐳴𐳵𐳶𐳷𐳸𐳹𐳺𐳻𐳼𐳽𐳾𐳿𐴀𐴁𐴂𐴃𐴄𐴅𐴆𐴇𐴈𐴉𐴊𐴋𐴌𐴍𐴎𐴏𐴐𐴑𐴒𐴓𐴔𐴕𐴖𐴗𐴘𐴙𐴚𐴛𐴜𐴝𐴞𐴟𐴠𐴡𐴢𐴣𐴤𐴥𐴦𐴧𐴨𐴩𐴪𐴫𐴬𐴭𐴮𐴯𐴰𐴱𐴲𐴳𐴴𐴵𐴶𐴷𐴸𐴹𐴺𐴻𐴼𐴽𐴾𐴿𐵀𐵁𐵂

**Chabad Center**  
2339 Hopkins Crossroad & 11170 Mill Road  
Minnetonka, MN

[illegible]



F

ύουωρ/όσ/άε/ωρ  
ύόσ/όκ/β/ά/ά/ά/ά



G

ύ/ό/ν/ά/όσ/άε/ωρ  
ύόσ/όκ/β/ά/ά/ά/ά

ύ/ό/ν/ά/όσ/άε/ωρ

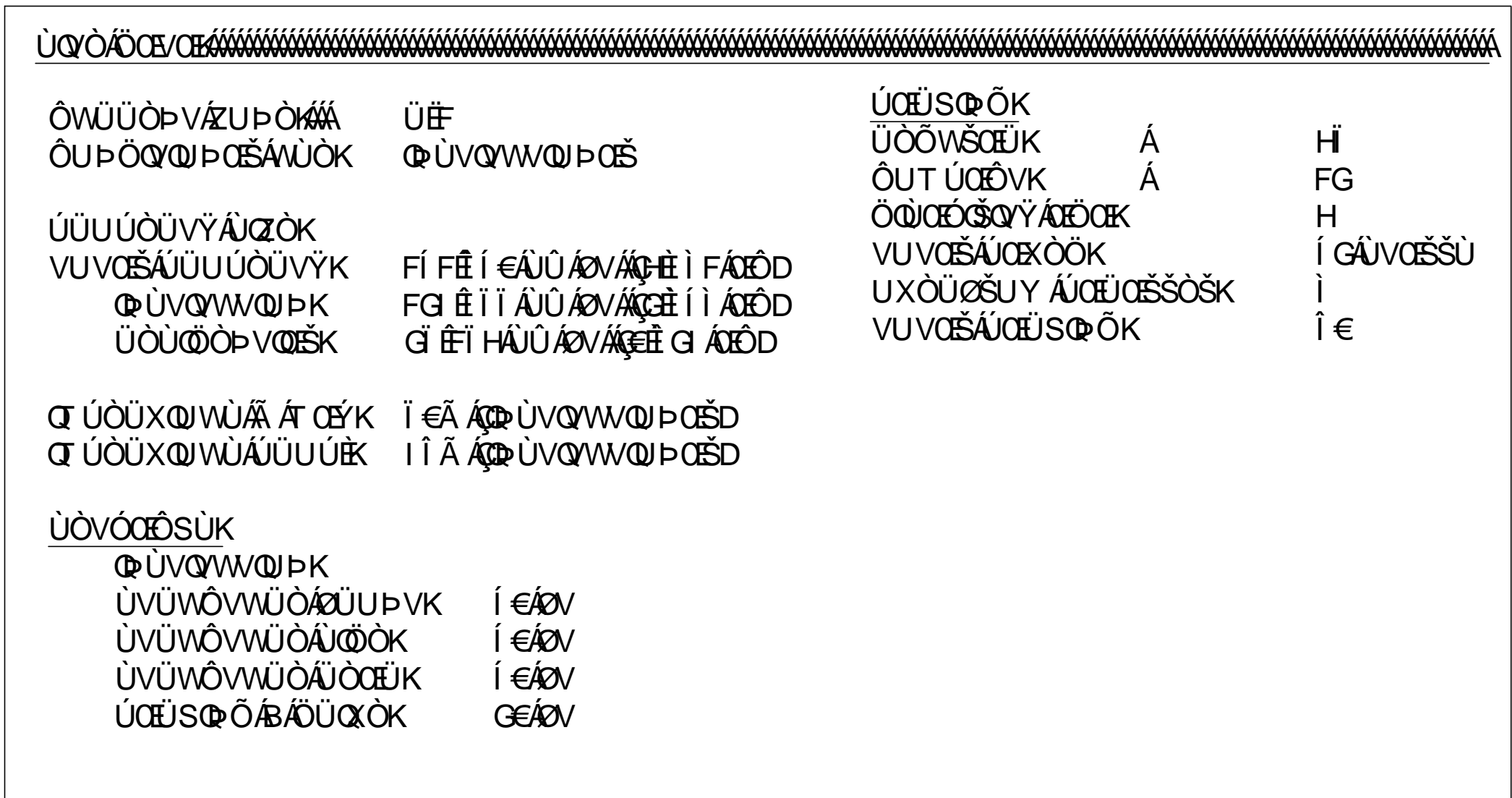
Chabad Center  
2339 Hopkins Crossroad & 11170 Mill Road  
Minnetonka, MN



















DESCRIPTION	DATE
SD MTG 1	10.11.2018
SD MTG 2	10.26.2018
SD MTG 3	10.28.2018
C.U.P.	12.18.2018

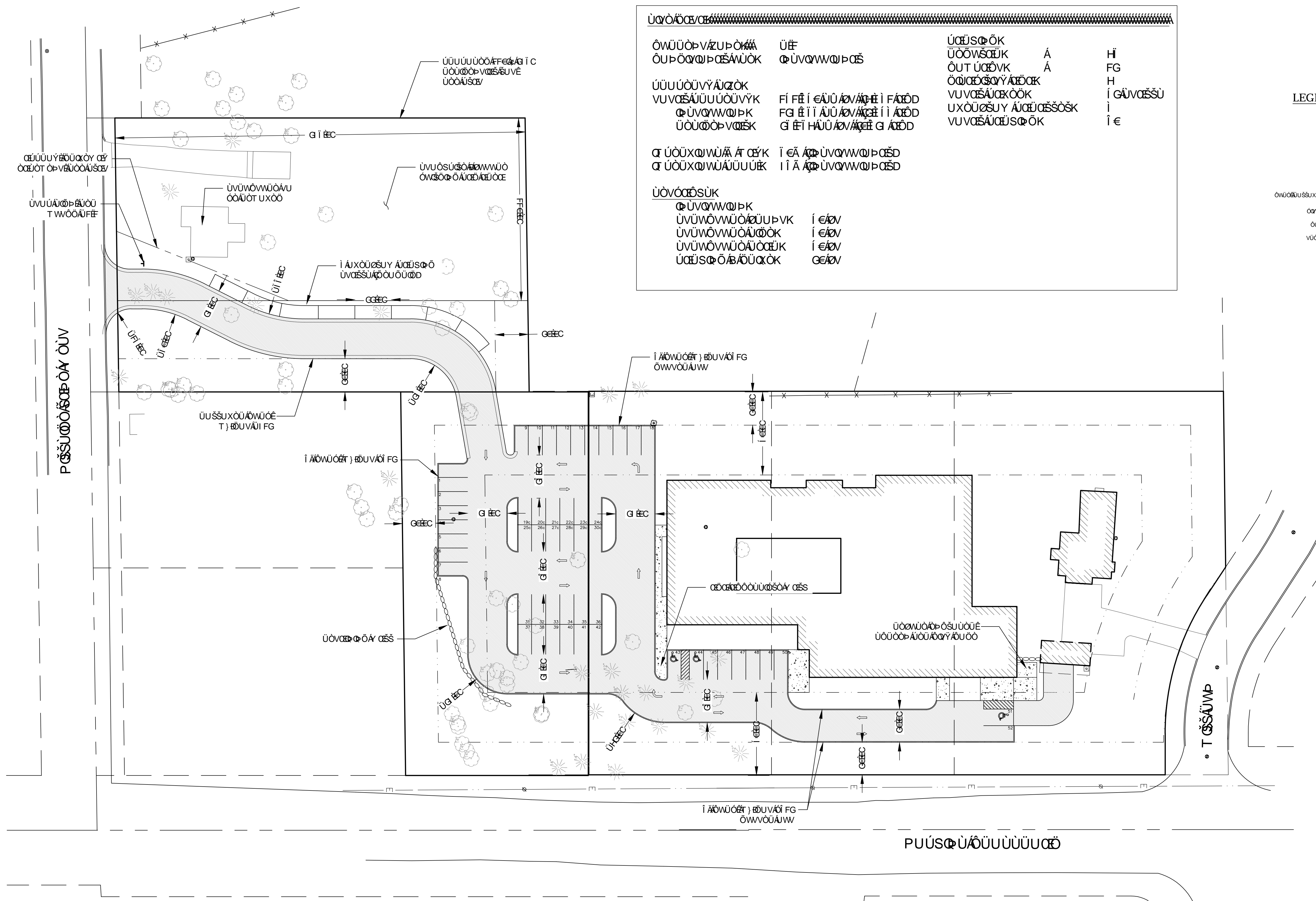
FOR CONDITIONAL USE PERMIT

*PRELIMINARY PLANS FOR THE  
CHABAD CENTER  
MINNETONKA, MN  
DECEMBER 2018*

[illegible]

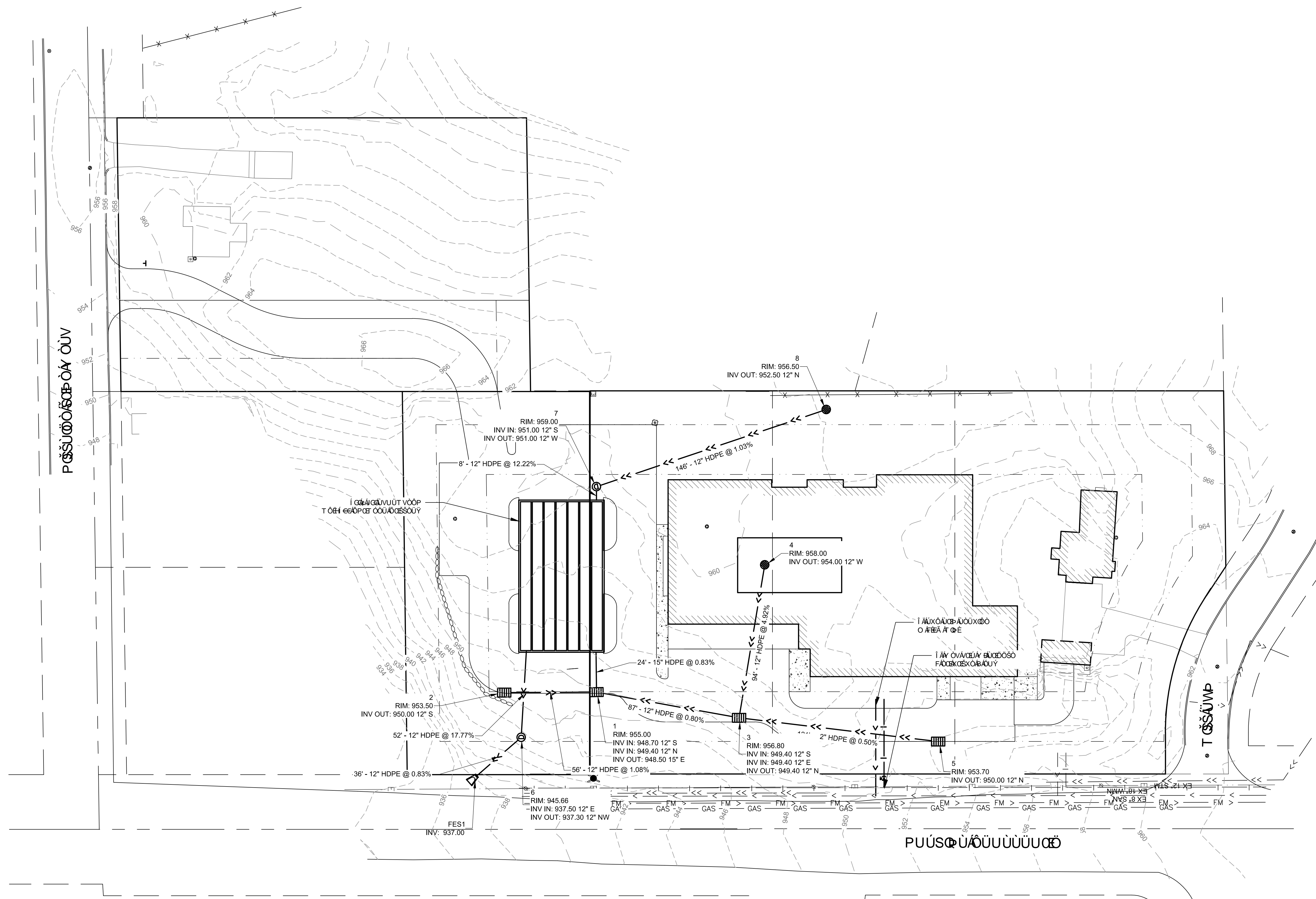


<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>
<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>	<p>  </p> <p>         UNIVERSITÄT          SÜDPFALZ          HOCHSCHULE          WEIßHOF       </p>





	ὄρωντο	ὄνουντο
ὄνουντο ὄντο	_____	_____
ὄνουντο	_____	_____
ὄνουντο ὄν	_____	_____
ὄνουντο ὄν	>>	>>
ὄνουντο ὄν	>	>
ὄνουντο	_____	_____



**CIVIL METHODS, INC.**  
1551 Livingston Avenue, Suite 104  
West St. Paul, MN 55118  
o: 763.210.5713 | [www.civilmethods.com](http://www.civilmethods.com)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS AND REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*David J. Ockenkamp* OCK/OK FGH/FGF  
 OCK/OK AUG/08 FGH/FGF

[illegible]

**MINNEAPOLIS CHABAD LUBAVITCH**

**UTILITIES**  
 ÔΠΕΡΟΟΑΩΟΠΒΟΥ  
 ΤΟΠΟΝΙΠΣΟΦΑ Ε

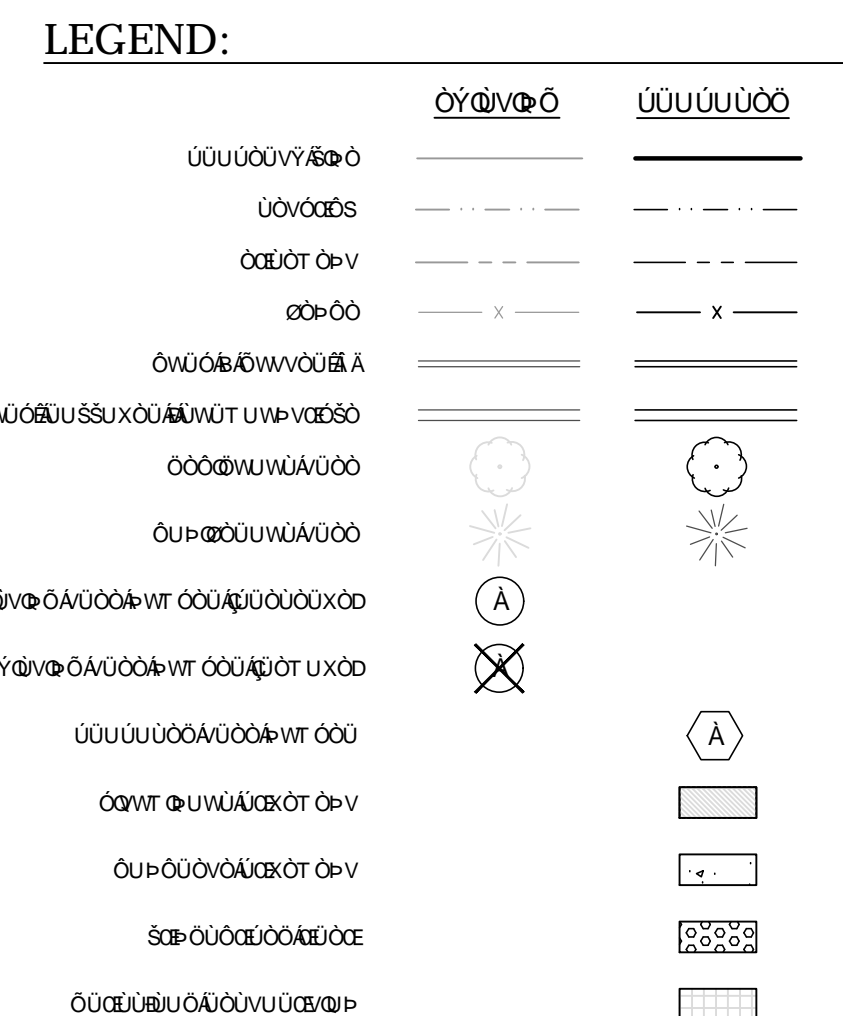
ÙÒÒÀ UK  
ÔUG

[illegible]









ÚPOVÁNÍ K  
ŠEF



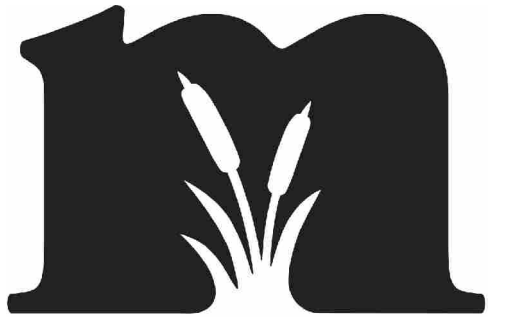
**Know what's below.  
Call before you dig.**

ÚÜUÚUÙÒÖÁ/ÜÒÒÙ

TREE #	DIAMETER	SPECIES	REMOVE	PRESERVE
74	8"	Box Elder		X
75	10"	Ash	X	
76	12"	Paper Birch	X	
77	12"	Paper Birch	X	
78	12"	Ash	X	
79	12"	Ash	X	
80	12"	Box Elder	X	
81	10"	Ash		X
82	10"	Ash		X
83	8"	Box Elder	X	
84	24"	Ash	X	
85	12"	Blue Spruce	X	
86	12"	Blue Spruce	X	
87	12"	Ash		X
88	10"	Box Elder	X	
89	10"	Box Elder		X
90	8"	Ash		X
91	8"	Box Elder		X
92	8"	Box Elder		X
93	14"	Cedar		X
94	12"	Blue Spuce	X	
95	20"	Blue Spruce	X	
96	24"	Blue Spruce	X	
97	12"	Crab Apple	X	
98	14"	White Spruce	X	
99	36"	Ash	X	
100	16"	Spruce	X	
101	28"	Box Elder		X
102	8"	Box Elder		X
103	12"	Box Elder		X
104	14"	Blue Spruce		X
105	14"	Maple		X
106	24"	Spruce		X
107	12"	Silver Maple	X	
108	24"	White Oak	X	
109	30"	White Oak	X	
110	8"	Ash		X
111	14"	Paper Birch		X
112	12"	Spruce		X
113	10"	Ironwood		X
114	10"	White Cedar		X
115	10"	Spruce		X
116	10"	Spruce		X
117	8"	Spruce		X
118	10"	Spruce		X
119	12"	Spruce		X
120	12"	Spruce		X
121	14"	White Cedar		X
122	18'	Scotch Pine		X
123	12"	Scotch Pine		X
124	10"	Scotch Pine		X
125	14"	Scotch Pine		X
126	8"	Scotch Pine		X
127	8"	Scotch Pine		X
128	12"	Scotch Pine		X
129	8"	Paper Birch		X
130	30"	White Oak		X
131	30"	Red Oak		X
132	14"	Scotch Pine		X
133	12"	Scotch Pine		X
134	12"	Scotch Pine		X
135	14"	Scotch Pine		X
136	14"	Scotch Pine		X
137	6"	Spruce		X
138	10"	Spruce		X
139	10"	Spruce		X
140	10"	Apple		X
141	24"	Red Pine		X
142	14"	Red Pine		X
143	18"	Red Pine		X
144	14"	Red Pine		X
145	10"	Red Pine		X
146	16"	Ash		X

**MINNEAPOLIS CHABAD LUBAVITCH**

## TREE INVENTORY



CITY OF  
MINNETONKA

0.13 (0.16)

- 0.13 (0.16)
- 0.13 (0.16)



Floor Area Ratio



**To:** Susan Thomas, Assistant City Planner  
City of Minnetonka

**From:** Matt Pacyna, PE, Principal  
Tom Sachi, PE, Associate

**Date:** January 31, 2019

**Subject:** Chabad Center for Jewish Life Traffic Study

### Introduction

SRF has completed a traffic study for the Chabad Center for Jewish Life development in Minnetonka, Minnesota (see Figure 1: Project Location). The project site is generally located east of Hopkins Crossroad (County Road (CR) 73) between Hillside Lane and Mill Run. The main objectives of this study are to quantify existing operations, identify traffic impacts associated with the proposed development, and recommend any necessary improvements to ensure safe and efficient operations. The following provides the assumptions, analysis, and study findings offered for consideration.

### Existing Conditions

The existing conditions were reviewed to establish a baseline for comparison and to determine potential impacts associated with construction of the proposed Chabad Center development. The evaluation of existing conditions includes various data collection efforts and an intersection capacity analysis.

### Data Collection

Vehicular turning movement counts were collected by SRF during typical weekday a.m. (7:15 to 8:15), Friday p.m. (5:00 to 6:00), and Saturday midday (12:30 to 1:30) peak hours the week of January 7, 2019. The timeframes collected correspond to the expected service times for the proposed development. Note that the weekday data collection occurred while area Hopkins Schools were in session, including Tanglen Elementary School (8:58 a.m. start), Hopkins North Junior High (7:47 a.m. start), and Hopkins High School (7:50 a.m. start).

The data collected focused on the Hopkins Crossroad (CR 73) and Hillside Lane intersection, which is the closest intersection to the proposed development driveway. Existing average daily traffic volumes along Hopkins Crossroad (CR 73) are approximately 14,500 to 15,200 vehicles per day (vpd) within the study area. Note that historically since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) within the study area have ranged from 11,400 to 15,200 vehicles per day.



Field observations were also completed to identify roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Hopkins Crossroad (CR 73) is a Hennepin County facility and primarily a two-lane undivided urban minor arterial roadway with a 40 mile per hour (mph) posted speed limit. There are right- and left-turn lanes at this study intersection. The Hopkins Crossroad (CR 73) and Hillside Lane intersection is unsignalized with side-street stop control. Existing traffic volumes, roadway geometry, and traffic controls within the study area are shown in Figure 2.

### **Volume Comparison**

A comparison of the traffic volumes at the Hopkins Crossroad (CR 73) and Hillside Lane intersection was completed to determine how volumes have changed since previous data collection efforts were completed in Spring 2018. The following observations were noted for the peak collection hours:

#### **Weekday a.m. peak hour**

- Hopkins Crossroad (CR 73) volumes decreased by 33 vehicles, approximately three (3) percent
- Hillside Lane volumes increased by 38 vehicles, approximately 12 percent
- Total intersection volume increased by five (5) vehicles

#### **Friday p.m. peak hour**

- Hopkins Crossroad (CR 73) volumes increased by 213 vehicles, approximately 18 percent
- Hillside Lane volumes increased by 11 vehicles, approximately seven (7) percent
- Total intersection volumes increased by 224 vehicles, approximately 16.5 percent

#### **Saturday midday peak hour**

- Hopkins Crossroad (CR 73) volumes decreased by 38 vehicles, approximately four and a half (4.5) percent
- Hillside Lane volumes decreased by 6 vehicles, approximately three and a half (3.5) percent
- Total intersection volumes decreased by 44 vehicles, approximately four (4) percent

Differences in the volumes may be attributed to climate and school related activities, and these traffic volume fluctuations are common and within typical daily variations.

### **School Queues**

A review of the queues along Hillside Lane during the morning arrival period for Tanglen Elementary school was completed to determine if school traffic would be expected to impact operations at the proposed development. The maximum observed queues were between six (6) and eight (8) vehicles (i.e. 200 feet) turning eastbound right into the school. Based on the maximum observed queue, there is estimated to be approximately 600 feet between the maximum queue and the driveway to the proposed development and no issues would be expected.



## Intersection Capacity Analysis

A detailed intersection capacity analysis was conducted for peak conditions to establish a baseline condition to which future operations can be compared. The study intersection was analyzed using Synchro/SimTraffic software (Version 9).

Intersection capacity analysis results identify a Level of Service (LOS) which indicates how well an intersection is operating. Intersections are ranked from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation and LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metropolitan area.

**Table 1. Level of Service Criteria for Signalized and Unsignalized Intersections**

LOS Designation	Signalized Intersection Average Delay/Vehicle (seconds)	Unsignalized Intersection Average Delay/Vehicle (seconds)
A	≤ 10	≤ 10
B	> 10 – 20	> 10 – 15
C	> 20 – 35	> 15 – 25
D	> 35 – 55	> 25 – 35
E	> 55 – 80	> 35 – 50
F	> 80	> 50

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the minor approaches. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes. Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the minor approaches. It is typical of intersections with higher mainline traffic volumes to experience increased levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing peak hour capacity analysis, shown in Table 2, indicate that the Hopkins Crossroad (CR 73) and Hillside Lane intersection operates at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control. Average side-street delays from Hillside Lane during both the weekday a.m. and Friday p.m. peak hours are 24 seconds and 27 seconds, respectively. The northbound right-turn and southbound left-turn queues were accommodated within the existing turn lane storage provided (i.e. approximately 100 feet). Note that during the a.m. peak hour, the southbound left-turn is expected to have 95th percentile queue of approximately 90 feet.

**Table 2. Existing Peak Hour Intersection Capacity Analysis**

<b>Hopkins Crossroad (CR 73) Intersection</b>	<b>Peak Hour Level of Service (Delay)</b>					
	<b>Weekday A.M.</b>		<b>Friday P.M.</b>		<b>Saturday Midday</b>	
	<b>Overall</b>	<b>Side-Street</b>	<b>Overall</b>	<b>Side-Street</b>	<b>Overall</b>	<b>Side-Street</b>
Hillside Lane	A (3 sec)	C (24 sec)	A (2 sec)	D (27 sec)	A (2 sec)	C (15 sec)

The average number of vehicles waiting to turn from Hillside Lane onto Hopkins Crossroad (CR 73) was observed to be approximately one (1) vehicle during the peak hours. The 95th percentile queues along Hillside Lane extended from three (3) to four (4) vehicles during the peak weekday a.m. and Friday p.m. peak hours, respectively. Based on observations, these queues were a result of vehicles waiting for a westbound left-turning motorist to perform their maneuver.

## Proposed Development

The proposed development includes construction of a 16,400 square foot Jewish Life Center, as shown in Figure 3. The proposed development is expected to contain sanctuary space for services, classrooms, and a social hall. There is expected to be 52 parking stalls on site, three (3) of which are handicapped accessible. Additionally, there are expected to be eight (8) overflow parallel stalls, if necessary, for an ultimate total of 60 stalls. Access to the proposed development would be located on Hillside Lane approximately 275 feet east of Hopkins Crossroad (CR 73).

## Year 2021 Build Conditions

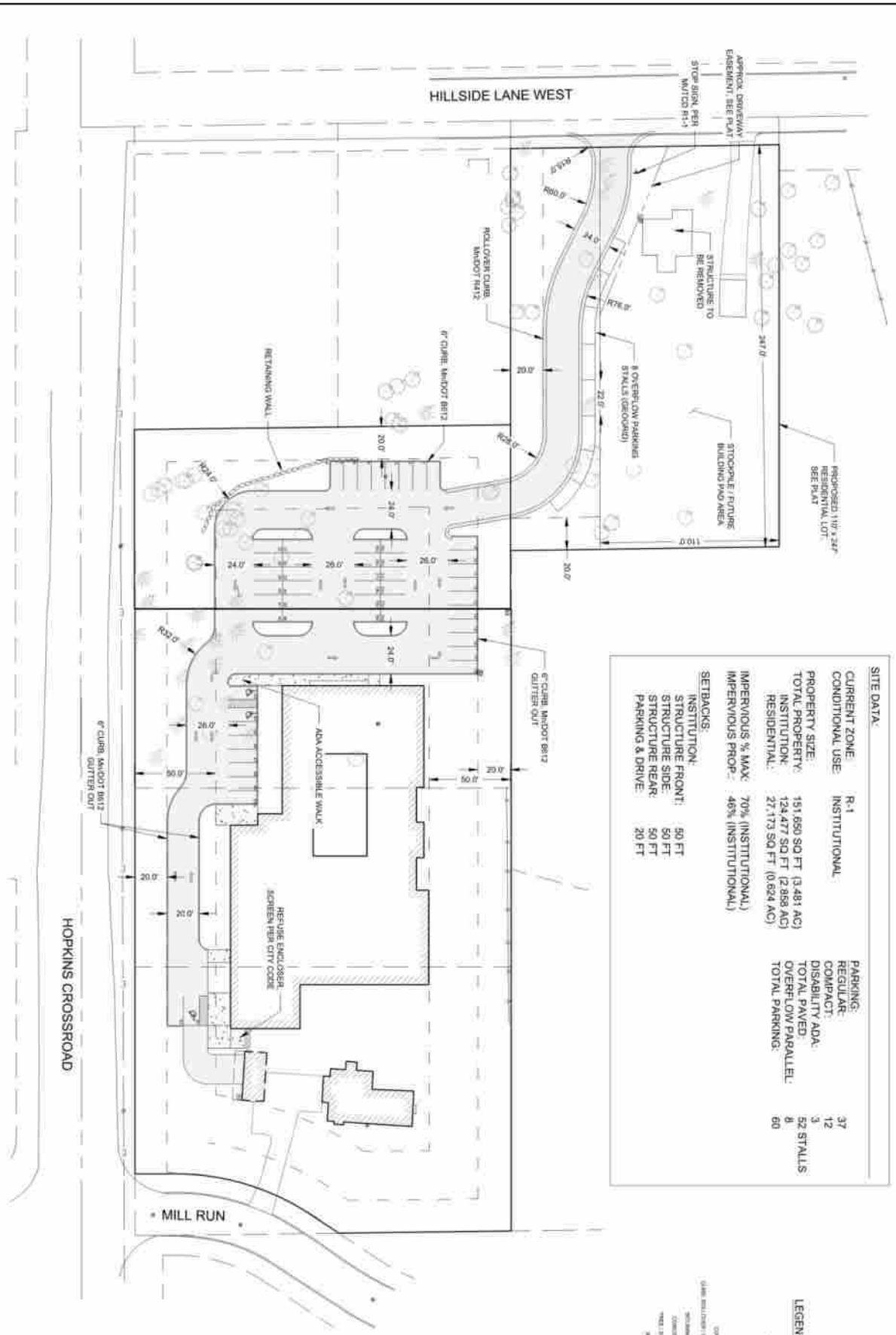
The proposed development was assumed to be completed by the year 2020. Therefore, traffic forecasts were developed for year 2021 conditions (i.e. approximately one year after opening). Year 2021 build condition traffic forecasts were developed and include both general area traffic growth and trips generated by the proposed development. The following information provides a summary of the year 2021 build conditions.

### Background Traffic Growth

To account for general background traffic growth in the area, a review of historical ADT volumes was completed. Based on this review, area traffic volumes have grown by approximately one (1) percent per year since 2006, although average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day since 1998. Therefore, existing traffic volumes collected were grown at one (1) percent annually to reflect year 2021 background traffic volumes.

### Trip Generation

To account for traffic impacts associated with the proposed development, trip generation estimates for the typical peak hours of operation were developed. The trip generation estimates were developed using information provided by the Chabad Center, shown in the Appendix, and include a comparison with the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition*. The following



**CIVIL METHODS, INC.**  
 551 Livingston Avenue, Suite 104  
 West St. Paul, MN 55118  
 763.210.5713 | www.civilmethods.com

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**MINNEAPOLIS CHABAD LUBAVITCH**  
 2845 HEDBERG DRIVE  
 MINNETONKA, MN 55305

**LAYOUT**  
 CHABAD CENTER  
 MINNETONKA, MN

H:\Projects\12000\12430\TS\Figures\Fig3\_SitePlan.cdr

- 1) **Weekday Morning Service Attendance:** 10 to 15 guests
- 2) **Friday Evening Sundown Service (Typical Week) Attendance:** 10 to 15 guests
- 3) **Friday Evening Sundown Service (Once per Month) Attendance:** 75 to 125 guests
- 4) **Saturday Midday (Shabbos) Service Attendance:** 50 to 100 guests

Note that other services and classes are expected to occur throughout the day. However, these additional events are expected to have fewer attendees or occur outside of the peak traffic periods along Hopkins Crossroad (CR 73) and Hillside Lane. To help determine the expected trip generation, the average vehicle occupancy for the weekday morning service was assumed to be one (1) attendee per vehicle based on information provided by the Rabbi. During the Friday evening and Saturday midday services, the average vehicle occupancy was assumed to be approximately 2.25 attendees per vehicle, which is similar to City parking code requirements. The difference in vehicle occupancy relates to the type of attendees, where the Friday and Saturday services are expected to have more families, which correlates to a higher vehicle occupancy. The trip generation estimate, shown in Table 3, includes both the expected vehicle trips base on the previously mentioned assumptions, as well as the *ITE Trip Generation Manual*.

**Table 3. Trip Generation Estimates**

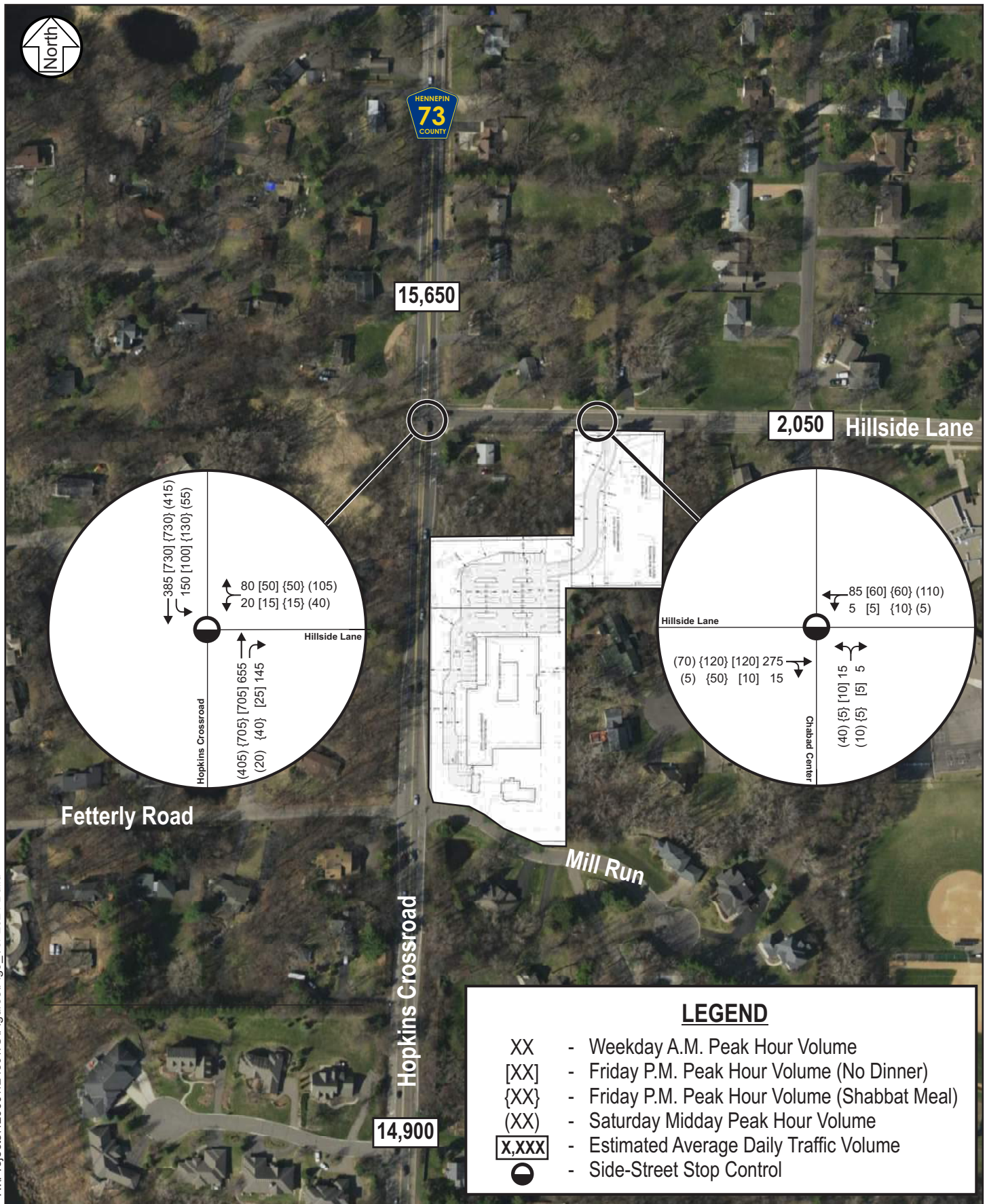
Approach Land Use <i>(ITE Code)</i>	Size	Peak Hour							
		Weekday A.M.		Friday P.M. (No Dinner)		Friday P.M. Dinner Service		Saturday Midday	
		In	Out	In	Out	In	Out	In	Out
Attendance Approach									
Chabad Center	16,400 sf	18	18	7	7	55	5	5	45
ITE Approach									
Synagogue (561)	16,400 sf	25	15	27	21	27	21	27	37
Difference		+7	(-3)	+20	+14	(-28)	+16	+23	(-8)

Results of the trip generation estimate shown in Table 3 indicate that the proposed development is expected to generate a total of approximately 36 weekday a.m., 14 Friday p.m., 60 Friday p.m. (once per month), and 50 Saturday midday peak hour trips using the attendance assumptions previously discussed. Note that using the ITE approach for a Synagogue land use results in a relatively similar overall trip generation, however the ITE approach is only based on one (1) study that may not have the same service types. Therefore, to provide an accurate estimate, the attendance approach was utilized for the future capacity analysis.

The new trips generated by the proposed development were distributed to the study area based on the directional distribution shown in Figure 4. The distribution was developed based on the existing travel patterns in the area and engineering judgement. Traffic forecasts for year 2021 build conditions, which includes historical background growth and trips generated by the proposed development are shown in Figure 5.



H:\Projects\12000\12430\TS\Figures\Fig4\_DirectionalDistribution.cdr

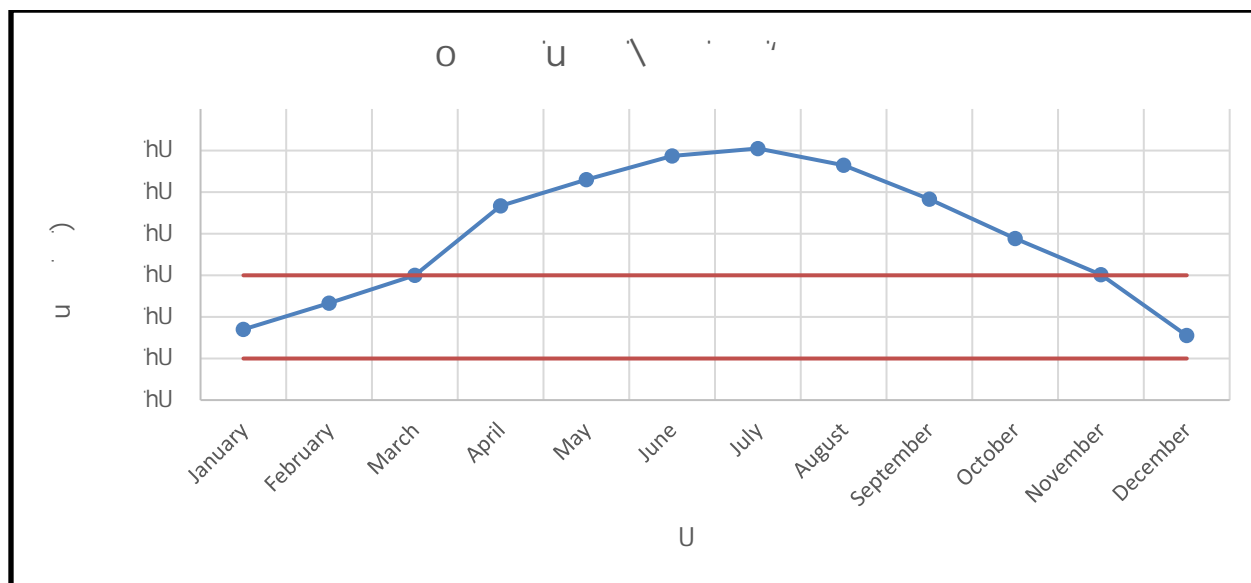


### Supplemental Trip Generation Considerations

The following information provides additional trip generation considerations with respect to time of year, day of the week, and time of day. The intent of this information is to provide additional context with respect to the potential trip generation of the proposed development.

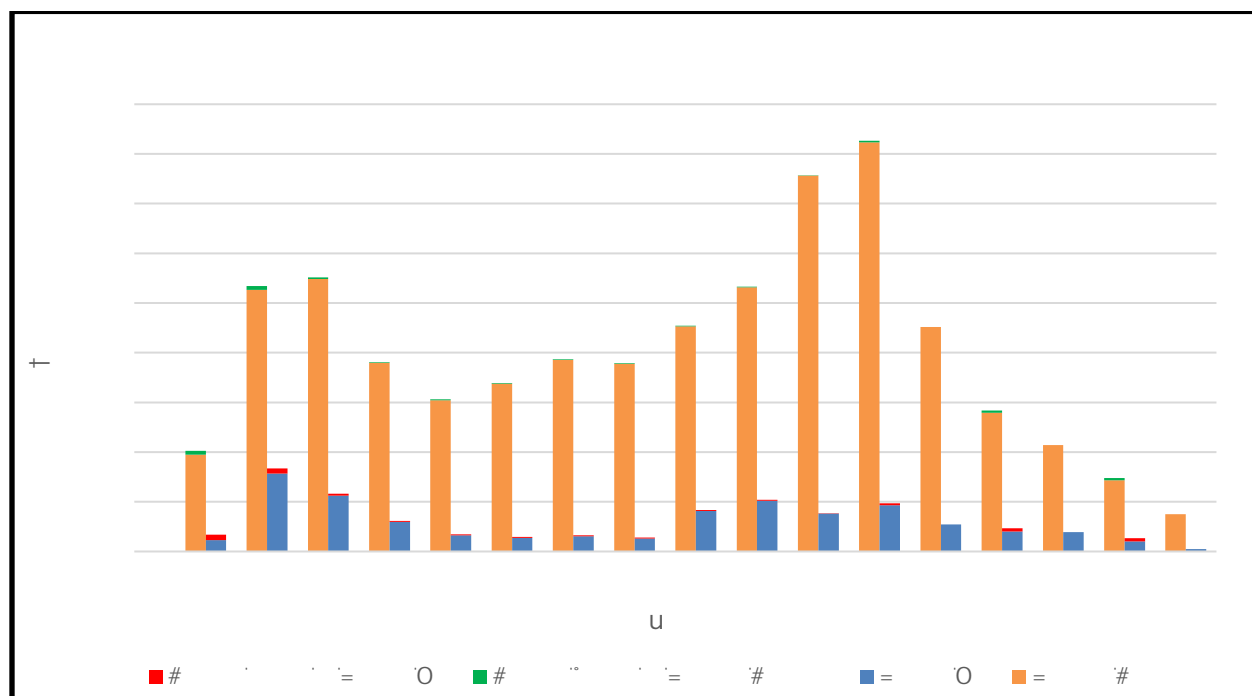
Note that the Friday (no dinner) p.m. peak hour trips shown in Table 3 are not expected to occur on a weekly basis. The trips shown coincide with the Friday evening sundown service, which varies by time of day and is based on the actual sundown timeframe. This service is expected to coincide with the p.m. peak of the adjacent roadway (4:00 p.m. to 6:00 p.m.) between November and February, as shown in Figure 6, which equates to four days a year. Throughout the rest of the year, the arrival and departure time for the Chabad Center would be later than the Friday p.m. peak period along Hopkins Crossroad (CR 73).

**Figure 6. Sunset Times**

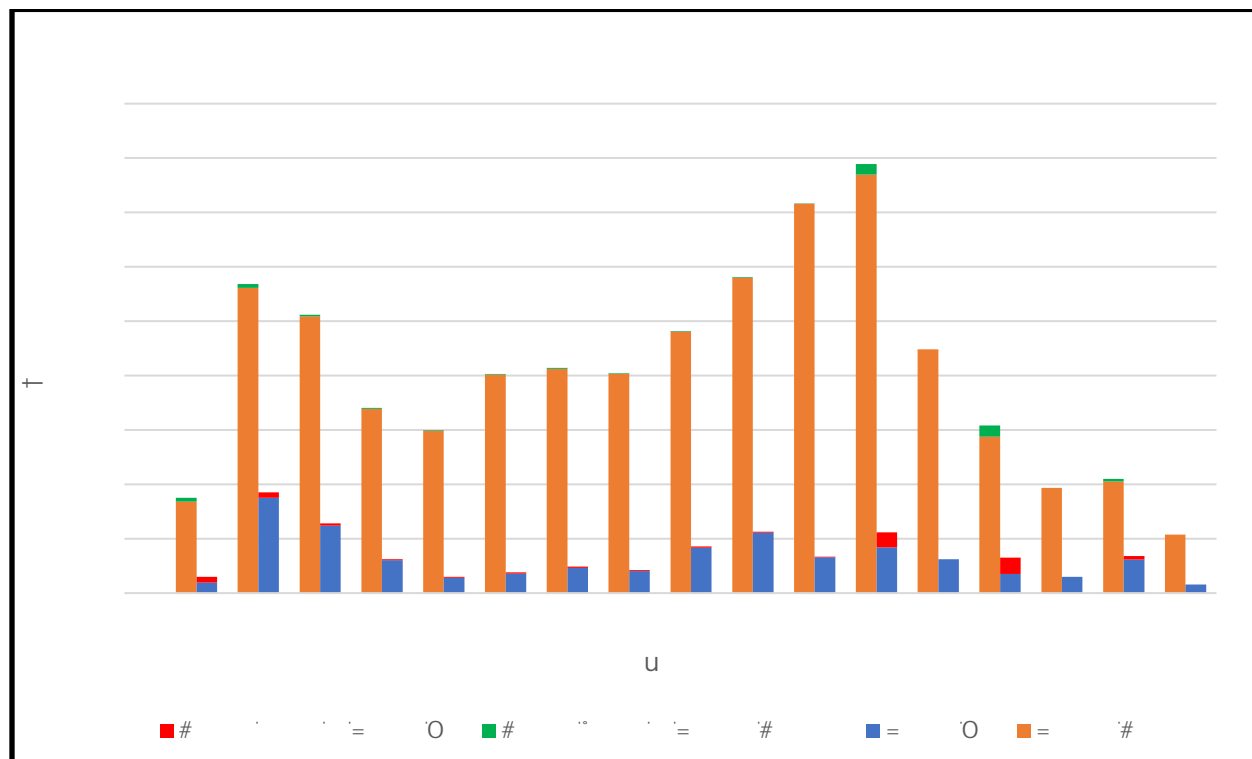


Graphs indicating the impact of the expected Chabad Center trip generation in relation to existing traffic volumes along Hopkins Crossroad (CR 73) and Hillside Lane are shown in Figures 7, 8, and 9 for typical weekday, Friday, and Saturday conditions, respectively.

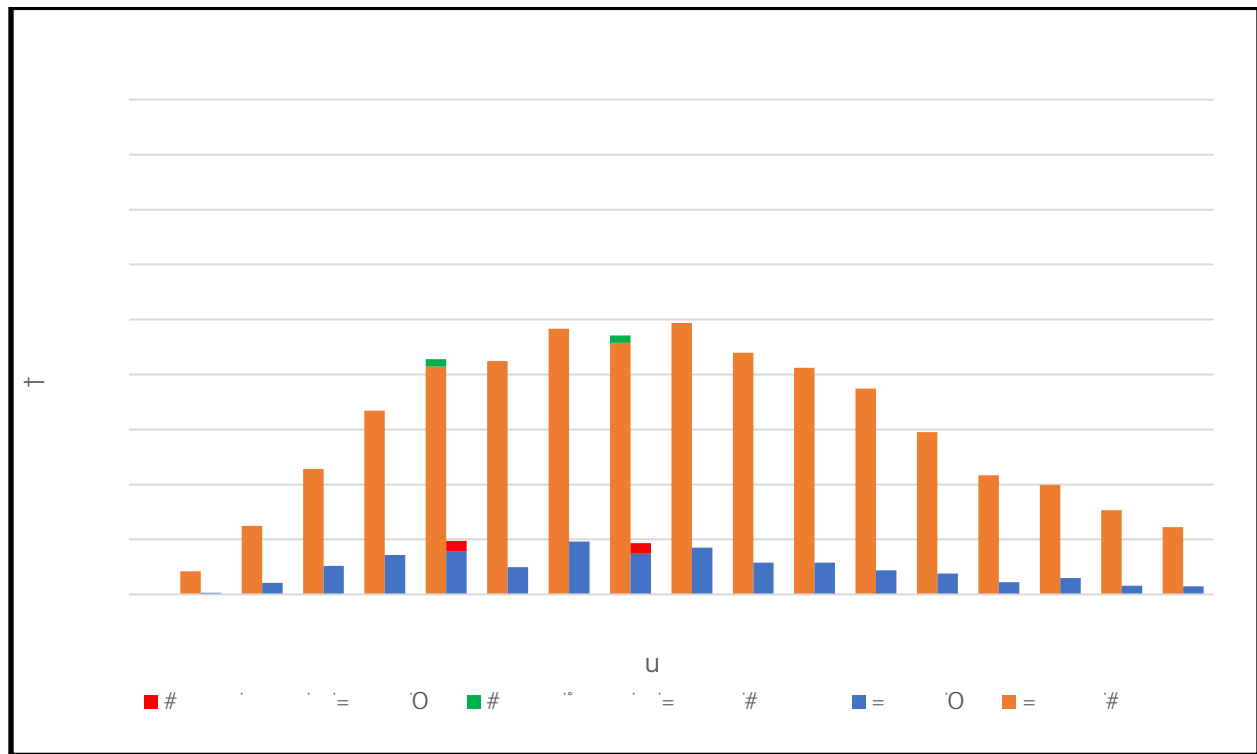
**Figure 7. Typical Weekday Trip Generation**



**Figure 8. Friday (Dinner Service) Trip Generation**



**Figure 9. Typical Saturday Trip Generation**



### Intersection Capacity Analysis

To determine impacts associated with the proposed development, year 2021 build conditions were analyzed. Once again, a detailed intersection capacity analysis was completed using Synchro/SimTraffic (Version 9). The Friday p.m. peak hour was analyzed under both a typical weekly service (no dinner) and a monthly service (Shabbat dinner) condition.

Results of the year 2021 build capacity analysis shown in Table 4 indicate that the study intersection and proposed access location are expected to operate at an overall LOS A during the peak hours with the current geometric layout and traffic control. Average delays along Hillside Lane are expected to increase by approximately three (3) to six (6) seconds during the peak hours, except for the Friday p.m. peak hour with dinner service, which increased by 10 seconds, as shown in the side-street comparison section of Table 4. It is expected that the increase in delay would be experienced during the peak arrival period of guests attending the monthly Shabbat dinner service at 6:00 p.m.

Average and 95th percentile queues on Hillside Lane are expected to increase by one (1) vehicle during the a.m. peak hour and Saturday midday peak hour to approximately five (5) and four (4) vehicles, respectively. Queues on Hillside Lane are expected to remain similar during the Friday p.m. peak hour conditions.

**Table 4. Year 2021 Build Intersection Capacity Analysis and Comparison**

Hillside Lane Intersection	Peak Hour Level of Service (Delay)							
	Weekday A.M.		Friday P.M.				Saturday Midday	
			Weekly Service		Monthly Dinner			
	Overall	Side-Street	Overall	Side-Street	Overall	Side-Street	Overall	Side-Street
Hopkins Crossroad	A (3 sec)	D (30 sec)	A (2 sec)	D (31 sec)	A (2 sec)	D (33 sec)	A (3 sec)	C (18 sec)
Chabad Center Access	A (1 sec)	B (11 sec)	A (1 sec)	B (10 sec)	A (1 sec)	B (10 sec)	A (2 sec)	B (10 sec)
Side-Street Comparison	Existing	2020 Build	Existing	2020 Build	Existing	2020 Build	Existing	2020 Build
Hillside Lane	C (24 sec)	D (30 sec)	D (27 sec)	D (31 sec)	D (27 sec)	E (37 sec)	C (15 sec)	C (18 sec)

The average and 95th percentile queues at the proposed development driveway are expected to range from one (1) to two (2) vehicles during all peak hours. It is expected that there will be minimal changes to the average and 95th percentile queues on Hopkins Crossroad (CR 73) for both the northbound right-turn and southbound left-turn. Both queues are still expected to be accommodated within the existing turn lane storage length of 100 feet.

## Site Plan Review

A review of the site plan was completed regarding parking and circulation. Results of the review indicate that parking spaces 51 and 52 on the south side of the parking lot will prohibit access to proposed refuse area. Further information is needed to determine how access to this refuse area will be provided to avoid conflicts with these two parking spaces or if a different management condition is planned. Furthermore, the driveway aisle services this area appears to be approximately 20-feet wide, which is generally not wide enough to provide two-way operations, particularly with respect to refuse vehicles.

Landscaping within the area should be maintained to allow for adequate sight distance from the site driveway to Hillside Lane. Easements or right-of way should also be considered to accommodate future sidewalk and/or trail facilities along Hillside Lane and Hopkins Crossroad (CR 73).

## Conclusions and Recommendations

The following study conclusions and recommendations are offered for consideration:

1. The existing average daily traffic volume along Hopkins Crossroad (CR 73) is 14,500 vehicles per day. Historically since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day.
2. The Hopkins Crossroad (CR 73) and Hillside Lane intersection currently operates at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control.
  - a. Average side-street delays from Hillside Lane during both the weekday a.m. and Friday p.m. peak hours are 24 seconds and 27 seconds, respectively.
  - b. The average number of vehicles waiting to turn from Hillside Lane onto Hopkins Crossroad (CR 73) was observed to be approximately one (1) vehicle during the peak hours.
  - c. The 95th percentile queues along Hillside Lane extended from three (3) to four (4) vehicles during the peak weekday a.m. and Friday p.m. peak hours, respectively.
3. The proposed mixed-use development includes the construction of a 16,400 square foot Chabad Center for Jewish Life.
  - a. Access to the proposed development is located along Hillside Lane approximately 275 feet east of Hopkins Crossroad (CR 73).
4. Results of the trip generation estimate indicate that the proposed development is expected to generate a total of approximately 36 weekday a.m., 14 Friday p.m., 60 Friday p.m. (once per month), and 50 Saturday midday peak hour trips based on the attendance assumptions provided.
5. Under year 2021 build conditions, average daily traffic volumes along Hopkins Crossroad (CR 73) are expected to be approximately 15,650 vehicles per day. Average daily traffic volumes along Hopkins Crossroad (CR 73) would need to increase by approximately 1,500 vehicles per day to reach the theoretical capacity of the roadway.
6. Results of the year 2021 build operations analysis indicate that all study intersections are expected to continue to operate an overall LOS A during the reviewed peak hours.
  - a. No significant operational impacts are expected as a result of the proposed development.
7. A review of the site plan includes the following considerations:
  - a. Parking spaces 51 and 52 on the south side of the parking lot will prohibit access to the enclosed refuse area. Further information is needed to determine how access to this refuse area will be provided to avoid conflicts with these two parking spaces or if a different management condition is planned.
  - b. Landscaping should be maintained to ensure adequate sight distance is provided.
  - c. Easements or right-of way should be considered to accommodate future sidewalk and/or trail facilities along Hillside Lane and Hopkins Crossroad (CR 73).

Jan. 31, 2019 – Meeting between Minnetonka residents and Chabad applicants.

Attendance:

Soo  
Weins  
Lierdahl/Flint  
Moscowitz  
Rabbi Grossbaum  
Councilmember Schack  
Architectural Team  
Julie Wischnack, AICP, Community Development Director

The remaining lot on the north - questions about what would happen. Rabbi indicated that the property would be privately owned after the development.

Questions about safety requirements for access onto Hillside in terms of line of sight.

Design of building courtyard, does it reflect the sound. The architect, indicated the undulation of the building would help address the sound.

If a school were added to the building where would it go? Architect responded that they had not been asked to accommodate in building designs and it would be difficult to add without some accommodation in this design.

There were questions about the kinds of glass that they have on east end. The architect indicated that the glass would have a screen, but also indicated lighting is very important to consider.

Questions about what trees they were saving. Architect provided a map that indicated the existing tree locations.

A resident asked what the size of the courtyard? Architect indicated 24 x 50.

How long would it take for the landscaping to grow? Landscape architect indicated 3-5 years.

Rear elevations and the windows - architect showed the area.

From the entrance from Hillside, Vernon Circle residents had concerns about headlights all the way from the entry to the turning. Headlights and turning into area.

Hillside on the south side, stays for the underground garage.

Parking – concern still. Size of events. Architect indicated the extra spaces in the driveway area. Mill Run or Vernon Circle – the resident indicated that he felt that parking would still be a problem. Resident asked about the parking agreement. Rabbi indicated Ackerberg agreement as long as they live there.

Lighting issues on the east side. Clerestory windows and the lights – inside the building. Probably shading in the windows as well. Suggestion for shades.

Glad the building is not as tall.

Outside lighting. Technical requirements of the city. Architect indicated that they would be sensitive to the neighboring properties.

Traffic is still a big concern. There are a lot of users of Hillside, a lot of different users. Hillside – left turn from CR 73.

Mass, intensity of use are different, some felt it was somewhat addressed. But some neighbors are still concerned about the intensity of use.

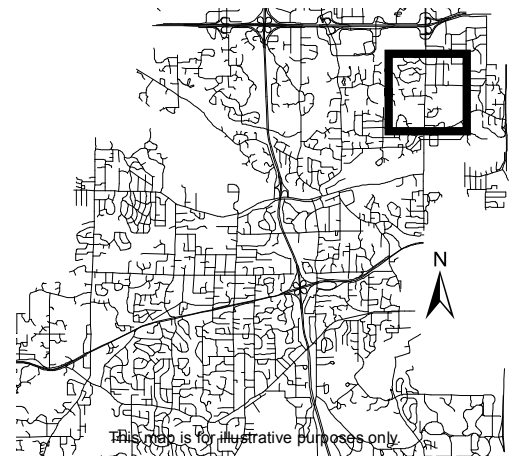
Property management – sophistication of the design is a concern in terms of on-going management.

2018 Proposal Exhibit and  
Council Minutes



## Location Map

Project: Chabad Center for Jewish Life  
Address: 2339 Hopkins Xrd



CHABAD CENTER  
FOR JEWISH LIFE  
2339 HOPKINS CROSSROAD  
& 11170 MILL RUN

B. AARON PARKER & ASSOCIATES | METROPELIGO P.C.  
architecture + urban design

4700 MINNETONKA BOULEVARD MINNEAPOLIS MN 55416  
T 612 327 1729 E aaron@metropeigo.com  
WWW.METROPELIGO.COM

CONDITIONAL USE PERMIT  
MAY 10, 2018

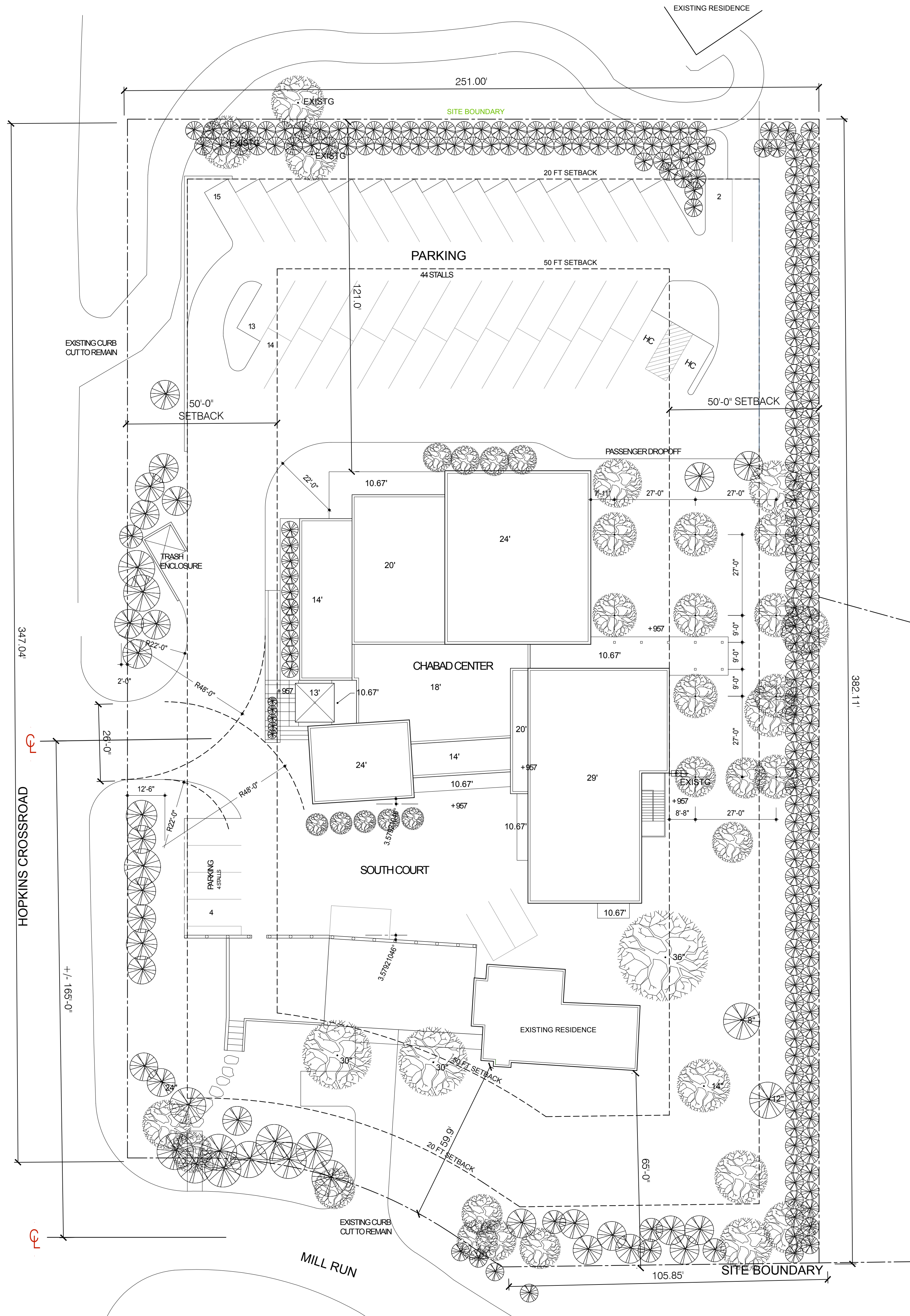
5/3/2018 Issued For Rendering

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND  
THAT I AM A DULY UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: NAME:  
B. Aaron Parker, AIA  
DATE: REGISTRATION NUMBER:  
24927

SITE PLAN

DRAWN BY:  
ISSUE DATE: A100



SITE PLAN  
1" = 20'







Ellingson moved, Happe seconded a motion to adopt ordinance 2018-08 and Res. 2018-073 approving the Master Development Plan amendment and Site and Building Plan Review with drive aisle and stall length variances. All voted "yes." Motion carried.

**D. Order for tobacco license violation at Freedom Valu Center #57, 17516 State Hwy 7**

Ellingson moved, Happe seconded a motion to approve issuing the Findings of Fact, Conclusion, and Order for the Freedom Valu Center #57, 17516 Hwy 7. All voted "yes." Motion carried.

**E. Resolution providing for the issuance and sale of \$10,000,000 General Obligation Utility Revenue Bonds, Series 2018A**

Ellingson moved, Happe seconded a motion to adopt resolution 2018-074 providing for the issuance and sale of approximately \$10 million General Obligation Utility Revenue Bonds, Series 2018A. All voted "yes." Motion carried.

**11. Consent Agenda – Items requiring Five Votes:**

**A. Resolution approving a conditional use permit, with a parking variance, to expand an existing medical clinic at 10653 Wayzata Blvd.**

Ellingson moved, Happe seconded a motion to adopt resolution 2018-075 approving a conditional use permit for a medical clinic, with parking variance, at 10653 Wayzata Blvd. All voted "yes." Motion carried.

**12. Introduction of Ordinances: None**

**13. Public Hearings: None**

**14. Other Business:**

**A. Conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run**

City Planner Loren Gordon gave the staff report.

Wagner asked if the road were to be perfectly reconstructed, what the width of the lanes would be. City Engineer Will Manchester said if the road were to be reconstructed, the county would do an extensive study. A common width of lanes per state aid standards would be 11 feet. He said the county would look to add a trail and a sidewalk to each side as well as widening the shoulder on the west. Wagner asked what the likelihood the road could be widened in the next four to five years where the guard rails were located. Manchester said it was a very expensive widening because it would require retaining walls. This was usually done as part of a reconstruction given the costs.

Happe asked if the current plan was for the trail to be built in 2023. Manchester confirmed that was correct.

Wagner asked if the grading plan had changed from what the council had previously seen. Gordon said that was mostly true. Berming had been previously discussed. It was decided during the neighborhood meetings that trying to berm might lead to unintended consequences. Wagner said it appeared that in the grading plan there was a contour where the parking lot would be. The fence would be 10 feet high. He asked what the impact of headlights would be during the wintertime. Gordon noted the parking lot was four to five feet lower than the property line. The fence would block the headlights but the question was if the light would shine over the top of the fence. Wagner asked staff to come up with some conditions for approval to address this issue.

Wiersum said he was sensitive to the headlight issue as well but thought there was a difference between having headlights shine directly into people's windows as opposed to having the light being refracted. The intensity was dramatically different.

Wagner said the parking was being based on the assembly standard seating with 99 seats. If that increased there was a trigger for the council to look at the conditional use permit again. He asked staff's opinion on maximum capacity. He said the applicant's document inferred the maximum would be 125 for a large gathering. Gordon said when the parking study was done, staff wanted to look at existing conditions as well as the proposed parking. Conditions were looked at for a typical week day as well as Saturdays. The study indicated parking would be adequate during these times. Wagner said there would be special events with 250-300 people attending. He said he would like to hear comments on how parking would work for those events.

Rabbi Mordechai Grossbaum said there had been a lot of discussion about traffic and landscaping. He said Ackerberg agreed it would provide additional parking. This would suffice for the larger events. He said he had committed over and over to working with the city on the landscaping.

David Abrams, 11501 Fetterly Road W, asked what the nature of the contractual commitment was for things like landscaping and water management. What was the process should the city find the verbal commitments were not being met? He said the plantings shown in the pictures would take a number of years to provide adequate screening. He asked what the plan was for replacing the plantings should they die. He grew up in a home where headlights came directly into his bedroom. He said it was utterly important that the lighting provide the proper security. He asked how bright the security lights would be. He said the city already had experience at the other three synagogues in the city for understanding what parking was needed during the high holidays.

Aaron Parker, the project architect, said if there was a violation of the storm water management, the property owner would be penalized. He said he was working closely with a civil engineer to ensure there would not be a problem with

the storm water management. The existing situation would be improved. He said there would be adequate security lighting that would be well back from the property line. He was as concerned as others about the security. He said headlights should not be an issue given the slope and the fencing. A fast growing very dense cedar would be used for the landscaping.

Jo Soo, 2391 Vernon Circle, asked the council to require an eight foot tall fence. The fence would provide better noise mitigation. He also asked that the council require a 50 foot green space that would act as a buffer to the properties to the east. He said the neighbors still have an issue with the size and mass of the building that was too close to the neighboring homes.

Candace Velasquez, 11512 Fetterly Road, said the safety issues caused by the proposal were very disturbing. She said the school parking lot and bus stop at Fetterly Road and Hopkins Crossroads was precarious. Her children do not use it because it was too dangerous. She was very concerned with the dedicated left turn lane at the expense of the homes in the area that lose a dedicated right hand turn lane. She said the Mill Run and Overlook neighborhoods were very small neighborhoods. The Fetterly neighborhood was much larger and had a lot of inbound and outbound traffic. She asked the council to reject the proposal.

Vladimir Greengauz, 15200 Willowood Drive, said he tried to imagine a situation where something big was moving into his neighborhood. The first question he would have was if the proposal was legal. This proposal was legal. He might then take the attitude he wouldn't like the proposal no matter what, no matter how many changes were made. Everyone wants something nice facing their front yard. Something would definitely be built on the property whether or not the council approved Chabad. He said the congregation was part of the community. He asked that when the council made its decision it did not think only about the upset neighbors but also the people looking for a place to pray.

Lori Fritz, 11111 Mill Run, noted she had emailed a court case to all the councilmembers that involved a CUP in Bloomington. The city denied the CUP citing safety concerns and the Minnesota Supreme Court upheld the denial. She said if the council denied this proposal due to safety concerns, the next proposal would also be denied for the same reason. The concerns had nothing to do with this being a religious organization. She said the new striping design would make her right turn less safe because it was taking away the area she uses to speed up to merge into traffic. As a public entity the city had the obligation to design and maintains roads that do not pose a reasonably foreseeable risk.

Susan Wiens, 2346 Vernon Circle, said she recognized that the staff recommendation was for approval of the project. She also recognized the council were elected by residents to use their own judgment to make an independent determination on the proposal. She said there was factual basis to deny the CUP. The city zoning was enacted to promote public health and safety and general welfare. The CUP gave even more specific requirements for approval. The neighboring houses were dwarfed by the proposal and the land use was not compatible. The structure was jammed into a small space. Congestion was not

limited to County Road 73. The neighbors were thankful for the city and the county attempting to address the issues, but what was before the council was not the solution. She said the CUP required that the proposed use did not have an undue, adverse impact on the public health, safety and welfare. The location of the curb cut had not been changed even though there had been many discussions about moving it more toward Hillside. The re-striping did not help the access and sightline issues. The drivers exiting Chabad by taking a left hand turn, would have to cross two lanes of traffic instead of one. The problem had not been solved by the re-striping. The county's spacing guidelines were not met. There was a known risk that was being created by the additional use of the site. The county commented on the re-striping plan by indicating its preference for relocating the access point further north because of safety concerns. She said if there was an agreement of offsite parking the agreement should be in writing and should ensure the arrangement continued into the future. The ordinance required the council to consider what the design capacity was. The design capacity was not 99 people.

Amy Weiss, 2308 Nottingham Court, said her children use the bus stop. Eliminating the right turn lane would make it even more difficult for the children to safely get on the bus. Making the right turn required the driver to do so slowly because the width of the road was narrow. Doing this with cars driving 40 mile per hour behind you was an accident waiting to happen.

Michael Leirdahl, 2390 Vernon Circle, said his house was directly adjacent to the project property's parking lot. The 10 foot high fence was needed to address the lighting, the noise and the visual coming from the property. The six foot tall arborvitae would not grow the first two years. After that there would be roughly eight inches of growth a year. It would take 10 years for the arborvitae to provide the same amount of privacy for his property as a 10 foot fence. Because there was not a light plan, the height of the lights was not known. He said he felt disrespected by some of Grossbaum's comments and those comments made him concern about what type of neighbor Chabad would be.

Marvin Liszt, the attorney for Chabad, 9701 Oak Ridge Trail, said change was difficult and could be disconcerting. Human nature was to like things the way they are. That's not what always happens. Land use changes occur in both urban and suburban environments. The city's ordinances allow religious institutions and other institutions in R1 neighborhoods. He said all the comments he heard from the neighbors could be made for any proposal for an institution going into an R1 neighborhood where the facility was larger than the surrounding homes, was visible by the surrounding homes, and may create more traffic than a single family or two single family homes. The staff report indicated there were 21 other religious facilities in the city in R1 zones. Every one of those were larger than the homes around them but they still coexisted well with the surrounding environment. He said the traffic studies indicated the additional traffic from this proposal was negligible. He noted the staff report indicated the proposal met the CUP standards. Three experts, SRF, city engineering staff, and county engineering staff had looked at the project in terms of safety. All three didn't find a safety issue with the use and the re-striping project. He said in the Supreme

Court case involving the CUP in Bloomington, there were competing expert traffic engineering reports and there was a 26 percent increase in traffic as a result of the proposed use. He noted the resolution before the council contained a provision that would allow the council to consider revisiting the CUP if there were any changes from what was approved and issues arose. He supported this language. He said there was no legal basis to deny the CUP.

Amy Taswell, 11120 Mill Run, said the staff report for the April planning commission meeting contained the word "safety" one time. The staff report indicated there was not a safety issue but it did not address specific concerns. There was nothing about the increased turning traffic on County Road 73, pedestrian traffic, bicycle traffic, parking or congestion. The re-striping would not address the safety issue. She said the staff report was heavily reliant on the traffic study and the traffic study was heavily reliant on information provided by the applicant. If the information provided by the applicant was wrong or incomplete, there was a safety issue.

Skylar Silberman, 11123 Mill Run, said she was 18 years old and had been driving for a little over a year. She is Jewish and in high school was the regional leader of the Minnesota Chapter of the B'nai Brith Youth Organization. She asked the council to reject the proposal because of the safety concerns. She waited to get her driver's license because she was terrified of driving. She still dreads making the left hand turn from Mill Run onto Hopkins Crossroad. Her younger sister who just began driving would also be affected. Silberman said her sister often walks to Ridgedale with her friends. Change should always be for the better and not make things less safe for her sister, herself and other residents. One accident that took a life would be on the hands of the people who approved the project.

Susan Flint, 2390 Vernon Circle, said the traffic expert the neighbors hired indicated there were safety issues. Similar to the Supreme Court case, there were conflicting expert opinions. She said the language in the resolution that Liszt cited allowed the council to review the CUP if there were changes, however it wasn't mandatory that the council do so. She requested that be changed. She noted that the last time the council reviewed this proposal, Wiersum asked the city attorney how much latitude the council had in making a decision. The city attorney indicated that whatever decision was made there was a requirement to support the decision with findings. There were some objective standards not subject to debate, but there were also some subjective standards that allow some exercise of discretion. Flint said all the information from the community had been reasonable, founded in fact, and credible. There were at least 16 discretionary standards that were identified that should lead the council to deny the application. The council was fully in its purview to deny the application.

James Bechthold, 11320 Fetterly Road, said the hill coming up Fetterly Road should be three lanes, not two. When somebody parks on the hill there was only room for one car to get up to the stop sign. Eliminating the right turn lane would stop traffic. He said the right turn lane on the east side of County Road 73 should be extended as far down as possible and the entrance to Chabad should be as

far north as possible. He was concerned about the safety on County Road 73 whether this proposal was approved or not. He suggested Chabad pay for the right turn lane.

Parker said the request for the fence on the east side was related to security, sound, and visibility. He said the type of fence being discussed would provide no noise mitigation. The height of the fence had to do with the fence being able to withstand strong winds.

Kristin Soo, 2391 Vernon Circle, said she hoped the city would ask Chabad to put in a fence that would provide noise mitigation.

David Carlson, 11171 Mill Run, said the project would negatively impact the neighborhood. If it wasn't going to adversely impact the neighborhood there would be no need to have a schematic showing the re-striping. If three single family homes were built, there would be no discussion about re-striping the road. He questioned why taxpayer money was being used for the re-striping.

Gordon said he and Manchester reviewed the issue related to headlights. Based on the slope, headlights would shine below halfway up on the fence. There would not be direct headlights on to the properties to the east but there might be some glare. In terms of safety, staff looked at the issue from a volume standpoint. As far as the access currently there were two driveways and the proposal was to consolidate them into one. He said if something were not built as approved, the correction would be handled administratively. If the issue wasn't discovered until after construction was complete, the CUP could come back to the council. Wischnack said every project came with financial security to ensure things were done as approved. Gordon said the costs of the re-striping would be shared by the city, county, and applicant.

Wagner said the re-striping was a \$20,000 project. He asked what the additional benefit was to having a right turn lane. Manchester said staff looked at the intersections to see what would fit in and the impact to the shoulder of the road. The road could be widened to accommodate a right turn lane. The volume of traffic during peak hours was looked at. In this case there were around 20 cars in a peak hour that would take the turn. Typically what triggers a turn lane was 100 cars in a peak hour. Wagner said this was the location of the bus stop, which gave him pause. There was not a perfect solution. This was the way the county was designing roads. He said driving down Minnetonka Road, he had to wait for drivers turning right into the Marsh. He agreed with the traffic study's conclusion that this proposal would not generate a lot of traffic. What he didn't necessarily agree with was that the turns would not have an impact.

Wiersum said that was what he had been grappling with. Was County Road 73 unsafe? The neighbors indicated it was. The lane width after the re-striping would meet the current way roads were being done. The center turn lane was the wave of the future if not the wave of the present. This was done on many roads in the area. The question he had was if there were characteristics of certain

intersections in this neighborhood that made some of the intersections inherently less safe.

Calvert asked for clarification of the location of the access out of Chabad on to Hopkins Crossroad. Gordon pointed to the access point on the plans drawn up by Chabad. He said when the county was asked to review the driveway permit, they may decide to request it be moved north. Staff and SRF do not believe there would be sight or visibility issues if the access was as shown.

Acomb said traffic on the road already was an issue. She agreed the impact of the proposal would be negligible although it certainly would not make things better. She asked if there had ever been a project involving a road of this grade that was denied because of the impacts of traffic. Gordon said normally an engineered solution is agreed upon that accommodates a project through an improvement of some type. He cited the Fingerhut development on Baker Road as an example. Acomb asked if Baker Road was graded as a "D" like County Road 73. Gordon said it probably doesn't have quite the same volume. Wagner said Syngenta was another example.

Wagner said at the May meeting there were concerns about the locations of the Mikveh and playground. He asked if anything had changed. Parker said the entrance to the Mikveh was moved from the east side to the south side. It had not been determined if there would be a playground.

Wagner said if the council approved the proposal, he had identified some things that should be considered so that expectations were aligned. He was not comfortable with the lack of specificity in the CUP for a site this small in an R1 neighborhood. It was a permitted use and the center would be a fabulous addition to the city. The proposal met the objective criteria. As far as the subjective criteria, he thought there were some challenges associated with the fears of the neighborhood. The council was entrusted with making sure the issues could be effectively managed. He didn't want staff to be in the position of being a mediator to an issue every month. He suggested codifying some language related to event or large gathering management plans. During his time on the council he had only received one call about Adath and it was because Adath had such a management plan in place. The council policy was in order to get no parking on a street, the city had to receive a petition. He didn't think this was the right policy for Mill Run. One thing that gave him pause was dragging staff into ongoing deliberations. He said he was extremely involved with the Syngenta landscaping. What worked out well was there was an active neighborhood with similar concerns so a landscaping plan was developed. Expectations were communicated about the ongoing maintenance. He didn't want staff to get in the middle of ongoing management of the plan. He said another fear of the neighborhood was what would happen if there was a great deal of increased usage. Determining upfront how to mitigate this should it occur, was something that also should be discussed. He had great concern about the proposal related to the footprint and the intensity of the usage of the site tied to the pinch points on Hopkins Crossroad and that a trail would not exist for another five years. This would have some adverse effects on the safety in the area.

Acomb said as she thought about this project she thought back to other projects that had similar neighborhood engagement. One such project was the Highland Bank building that had a great deal of pushback from the neighbors. The biggest concerns were around traffic. That situation was totally different because the city had control over the road. Because the city was a responsive government the decision was made to redo the road at a major expense. This project involved a county road. She noted the trail was not scheduled for another five years and asked if the trail plan had been looked at to move it up on the list. Barone said there was a list of trails in the CIP that were prioritized based on predetermined criteria. There were other projects ahead of this trail. She said the council could reprioritize projects in order to move this trail up on the list.

Calvert said at the last council meeting she had brought up the idea of making a right turn only out of the parking lot. This was absent a request for a median. If there was a way to encourage people only to turn right, many of the concerns would be addressed. She said she belonged to a congregation that had a flexible space. She appreciated Wagner's comments about an event or large gathering management plan. She didn't think this issue was insurmountable. Parking at Ackerman would accommodate a number of people.

Happe said religious institutions were generally pretty good neighbors. This location from a redevelopment standpoint was attractive to do something different. He continued to have grave concerns about traffic, pedestrian, and bicycle safety. This was an area that already had issues. Because of the safety concerns, he was not in a position to support the proposal.

Bergstedt said the zoning allowed religious institutions. The county approved an access on to County Road 73. He still had concerns about the mass of the development on a very small piece of property. This had led to elaborate landscaping plans to protect the neighbors. If Chabad was willing to work with the neighbors on the landscaping, proper buffering was possible. He said he was really struggling with the public safety issue. This was a very dangerous road especially for people walking and biking. The pinch points were a serious matter. A lot of his concerns would somewhat be alleviated if the trail was going in at the same time as this proposal. He was concerned about eliminating the right turn lane on to Fetterly Road because this would add to the danger. There were benefits to the re-striping but as he looked at the re-striping plan he saw as many negatives as positives.

Calvert said this was prime real estate in the city and everyone agreed Chabad would make good neighbors. The county proposed an initial solution to some of the roadway intensity issues. She worried what could end up on the property if this was not approved. If it were three single family homes, the driveway access would be an issue. She said this project met the objective standards. She thought it was a very intense use of the property. The original traffic study showed there would be a .7 percent added traffic. The property would not remain empty forever and whatever ended up going there would also add complexity.

Heine said the ordinance contains purpose and intent sections that do not create independent standards. The burden was on the applicant to show he met the conditions for this use set forth in the ordinance. There were both objective and subjective standards. The applicant had to meet all the standards. When it came to the subjective standards the council had to consider all of the evidence in the record and needed to make a determination and judgement on whether the subjective standards had been met. If the council found that all the standards had been met, it couldn't go back to the purpose and intent sections and say that something did not meet the intent. The intent and purpose sections were meant to guide and inform the council in determining what the actual set standards were. She said all the testimony on the traffic related to the standard of public health, safety and welfare. The testimony related to the site plan and landscaping related to the standard of protection of adjacent and neighboring properties. Both of these standards were subjective standards.

Ellingson said he agreed with the other councilmembers who felt this was a good project and Chabad would be a good neighbor. He also shared the concerns about public safety and traffic. It was a difficult decision because this was a good project. He was apprehensive about accidents that might happen.

Acomb agreed Chabad would be a good neighbor and good member of the community. She appreciated the efforts made to the landscaping design. Her concern was about the safety of the road. She worried about the location of the bus stop and kids having to cross multiple lanes to the other side.

Calvert said one of the things she thought about was that most of the activities of the center would occur during nonpeak traffic times. This lessened some of her concerns.

Wiersum said when the proposal was first before the council the issues were with the landscaping and not knowing if the county would agree the access could be off Hopkins Crossroad. The county agreed to that access. He said he heard many comments that the council had not even discussed safety issues. There was no need to get into the safety issue if the county had denied the access on to Hopkins Crossroad. Now the safety issues needed to be discussed. If Hopkins Crossroad was striped the way other roads in the city were being striped, it wouldn't be inherently unsafe. At the same time he wasn't willing to say it was a safe road for pedestrians. One of the things he was pushing for as the mayor was greater attention to pedestrian safety. He wanted people to be able to walk safely in the city. He wanted people to stop at yellow lights and not accelerate through the intersection. He wanted people to be able to step into a crosswalk and not worry about getting run over. The geometry of County Road 73 was not kind to pedestrians even if the lanes of traffic were conforming and the way of the future. He said the proposal technically met the CUP standards. Religious institutions were allowed in R1 zoning. He said this was a poor location for this facility. It was an intense use on the smallest religious institution property in the city. Most religions want to grow. If this facility was a success that meets its mission the intensity of use would get greater. The added traffic was not so great it would dramatically change the safety of County Road 73. He said this use was

exceedingly intensive. He said Chabad satisfied him with the proposed landscaping. He would love if they found a larger property in the city. He didn't know if his concern about the intensity was a valid reason to deny the CUP. Pedestrian safety and the general safety associated with this location was a valid reason for denial.

Heine said the question if this was an appropriate site was a valid consideration for the council if it determined the intensity of use on this particular parcel was not appropriate for the neighborhood and did not meet the CUP.

Wiersum said if the proposal were to be approved there needed to be a special event management plan if there were 125 people or more as Wagner suggested. The management plan would need to include things like temporary no parking signs in the neighborhood, a specific offsite parking plan, and a specific traffic management plan.

Gordon said an approval resolution was included in council packet. The council could add whatever conditions it deemed necessary. If the council was of the mind to deny the proposal then it needed to state findings of fact. Heine provided language to include in the resolution about the event management plan.

Bergstedt said given the size of the parcel, the proposal was way too intense. His biggest concern was not to come up with an event management plan, it was the public safety concerns. He wasn't concerned about number of cars exiting Chabad during the day, but he was concerned about the re-striping plan, loss of the turn lane and having a middle turn lane. The additional turning movements would affect the traffic all day long. There were existing safety issues.

Acomb said public safety was her biggest concern and she leaned toward denial.

Wagner said it was important to keep in mind that rarely has the council wrestled with something like this. There was a 7-0 vote for approval of the Highland Bank. Here, the council was split. The council doesn't always strive for 7-0 votes but many of them end up that way because through the process the proposal gets better. He said this proposal never went through a concept review plan and many of the comments made at this meeting would have been made at a concept plan review. This would not be a bad site for this proposal if the site was bigger. It was not a bad site if some of the improvements could be done. He suggested coming up with findings of fact to deny the request. He said the council found the drivers for denial being tied to the intensity of use and turning movements that it generated negatively impact the public safety on the county road. Also, there were multiple driveways within a short distance with limited shoulder widths.

Heine said those comments along with Bergstedt's comments about the turning movements and the lack of a right turn lane for Fetterly Road would be used for findings of fact. She said several councilmembers made comments about pinch points in terms of the narrowed shoulders. Comments were also made about the development adding additional traffic onto a roadway that the council already considered unsafe. Wagner said he disagreed with that suggested finding. He

thought the concerns were with the turns that would be generated not the amount of traffic coming from the development. Wiersum agreed. Heine said all those findings would support a determination that the applicant had not met the burden of demonstrating that the use would not have undue adverse on public health and safety.

Wagner asked if it would be helpful to include in a motion that the council agreed it was a conditionally permitted use because this was a site specific issue not a use specific issue. Heine said it was undisputed that the use was conditionally permitted in this district provided they met all the objective and subjective standards. The council was finding that due to the traffic safety and intensity of use on a small site that the application did not meet the standards.

Wagner moved, Bergstedt seconded a motion to deny a conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run based on the stated findings. Acomb, Happe, Bergstedt, Wagner, Ellingson and Wiersum voted "yes." Calvert voted "no." Motion carried.

Wiersum called a recess at 10:26 p.m. He called the meeting back to order at 10:37 p.m.

**B. Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive:**

- 1) Rezoning from Planned I-394 District (PID) to Planned Unit Development (PUD);**
- 2) Master development plan;**
- 3) Final site and building plan.**

Gordon gave the staff report.

Wagner said he disagreed with some of the planning commission and staff dialogue. There was discussion there was a fixation with the building and not about the site. He when he was talking about mass it was about how much mass the site had that was buildable and not the slopes. When the existing building was approved the council had approved a dual use site. The city had encumbered itself with a relatively new, highly valued building while also wanting residential on the site. Staff and the developer seemed to take the council's comments that the mass and intensity of the site did not include the office building. He said for him, it did. Wischnack said the council had talked about footprint so that was part of the planning commission discussion. Gordon said the staff and planning commission talked about the functionality of the site with the office building. He said some of the planning commissioners were not concerned with the intensity of the site and would have supported a five or six story building.

Wiersum said the scale of the new building was quite a bit smaller. The concerns about the mass and scale of the building had largely dissipated. He agreed with staff that having an office building that wasn't visible from the primary road was a problem. Given the office building was there he asked what changes could be

Planning Commission Change Memo  
and Meeting Minutes

**C. Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run.**

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Rabbi Mordechai Grossbaum, representing Chabad Jewish Community, applicant, stated that:

- He thanked the neighbors for their input to make sure the proposal would fit in the neighborhood.
- The applicant would continue to perfect the project to fit in the neighborhood.
- He introduced realtor Jeff Herman of Urban Anthology, architects Gabe Keller and Ryan Fish, and attorney Marvin Liszt.

Mr. Herman stated that the applicant is looking for a home with a welcoming feeling. The proposed site was for sale for one year. He understood the neighbors' concerns with the intensity of the use and public safety. Purchase of a second property would allow access to the site from Hillside Lane. He was excited to present a project that would make a lot of sense. There is a sidewalk system that goes along the street and another synagogue along that street. He requested that the project be approved.

Ryan Fish and Gabe Keller, architects with Peterssen Keller Architects, introduced themselves. Mr. Keller stated that:

- Thomas did a good job covering the history of the proposal in her report.
- The proposal would be similar to the residential houses that the architectural firm works on. The building would not be two stories or large. The building would be spread out and modestly scaled.
- He reviewed the revised site plan with neighbors who had previously expressed concerns. The landscape architect found a way to spread coniferous trees along the driveway, increase fencing, and grade the site to prevent vehicle lights from leaving the site.
- Finding the perfect elevation would help the building feel balanced.
- There would be more parking than required by code requirements. More would be available for special events.
- There would be plenty of green spaces.
- There would be no variances.
- Safety of the site would be improved. There would be no through traffic, so Mill Run would only have traffic from the private residences.
- The floor plan would remain the same. Activities would be contained inside the building and the court yard.

- The materials used would be beautiful and of high quality. Masonry, wood, and glass would be used.
- There is an existing drive to Hopkins Crossroads that would be removed.
- He reviewed the designs and explained how light would be mitigated.
- Native grasses would be used to soften the edges of the property.
- Lighting would have a residential feel. Shades would be on a timer and shut automatically in the evening.
- The applicant was not dismissing any of the neighbors' concerns.
- He was available for questions.

Chair Kirk asked how a pedestrian would access the building. Mr. Keller explained the foot-traffic pattern. Thomas explained that a trail on Hopkins Crossroads is scheduled to be constructed in 2023.

Mr. Keller encouraged residents to continue to reach out to him and continue the dialogue. He stated that the building would be 17 feet in height. The sanctuary space would extend to 23 feet in height. Thomas explained that the height of a home is measured at the midpoint of a pitched roof. The peak of the roof would be higher. Gordon provided that the maximum height of the roof would be 35 feet. The technical height of the proposed building is 17 feet.

In response to Henry's question, Mr. Keller stated that the neighbors did not mention a preference with the height of the proposed six-foot fence. Mr. Keller added that very specific light standards that restrict how much light may extend onto an adjacent property would be met. Software would be used to verify the coverage areas of the parking lot lights.

Luke confirmed with Thomas that the standard for surrounding cities for parking of a religious institution is one parking stall for three sanctuary seats.

The public hearing was opened.

Gregg Hoogeveen, 2525 Cedar Hills Drive, stated that:

- There are ten vehicles usually at each service.
- There is a path through the forest.
- There is plenty of parking on his street.

Sarina Harris, Golden Valley resident, stated that:

- Chabad would make really good neighbors.
- The synagogue is being built for herself and her family.
- She hoped commissioners would support the proposal.

Jo Soo, 2391 Vernon Circle, stated that:

- He likes the building design. It looks wonderful. The design and architecture would fit in well with the neighborhood. His concern with the building height has been addressed. The design and location of the courtyard shows that it was designed to minimize the noise of outside activities.
- The screening with trees and lighting plans will help minimize the impact on neighbors.
- The number of pedestrians would increase.
- There will be young drivers in the neighborhood.
- He questioned how large events would impact the neighborhood.
- He asked if the driveway location would be a safe location.
- This is a vibrant community.
- The proposal would have more visitors than the number listed in the application and would have a serious impact on the traffic.

Michael Lierdahl, 2390 Vernon Circle, stated that:

- The proposal has been greatly improved.
- He noted that trees or buffering would be needed to prevent headlights from hitting the houses on Vernon Circle.
- He wants a new fence rather than fixing the existing fence. He would like the good side of the fence facing his property. It should be tall enough to block the headlights.
- He was concerned with overflow parking for large events. Fifteen to 20 times a year would be a lot.

Tanya Farber, 11025 Joy Lane, stated that:

- She moved here to be part of the Chabad community.
- The design, location, and access from Hillside Lane would provide safety for pedestrians.
- The building looks beautiful. She is excited to have Chabad so close to where she lives and build relationships with the neighbors.
- She requested the application be approved.

Yvette, a resident of St. Louis Park, stated that:

- She is a member of Chabad.
- She wants to be part of a community that will embrace her and her family for years to come.
- Chabad would be an excellent addition to the community.

Sam Black, 2265 Cape Cod Place, stated that:

- The design is fantastic. It is much more harmonious with the neighborhood.

- Hillside Lane is already busy with drivers who do not stop at the stop sign in front of his house. There needs to be more marking and signs to provide pedestrian safety.
- He opposed monument signs being located on Hillside Lane.
- He suggested a long-term plan be created for the two residential lots on Hillside Lane and Hopkins Crossroads.

Susan Wiens, 2346 Vernon Circle, stated that:

- Many of her issues and concerns have been solved by removing the access from of Hopkins Crossroads.
- The proposal would have five lots. She questioned how many lots combined would be too many for an R-1 district. She suggested creating a policy to restrict the number of lots that could be combined.
- She asked how screening for the lot not included in the conditional use permit would be enforced.
- The traffic study looked at the normal, general use of the property. It did not include special events. There needs to be conditions to address large events that would cause overflow parking.

Mike Anderson, 11105 Hillside Lane, stated that:

- Tonight was the first he heard of screening for his property.
- He was concerned with noise from traffic on the driveway.
- He was concerned with headlights hitting his house and yard.
- The building would be attractive, but it would be larger than most of the houses in the neighborhood.
- After getting the easement, the rest of the property could be sold.
- It would be an intense use of the property.
- He was concerned with lighting hitting his property and house.
- It is difficult to drive onto Hillside Lane West.
- There would be several occasions where the capacity would be exceeded.

A current Edina resident who recently purchased 2600 Crescent Ridge Road, stated that:

- He and his wife purchased the residence to be close to Chabad and be part of the community.

Emilia Kvasnik, 14540 Woodruff Road, stated that:

- The new plan has addressed many issues and the applicant is willing to keep addressing and fixing concerns.
- She wants residents in the neighborhood to be as comfortable as possible.

- The proposal is balanced between the needs of the neighborhood and the benefits that Chabad would provide.
- She is very excited for Chabad to join the community.

Kristin Soo, 2391 Vernon Circle, stated that:

- She appreciated the building being changed to address her concerns.
- She requested protection from headlights for residences on Hillside Lane.
- Once the driveway location is confirmed, she requested that the sight distance be evaluated for the intersection.

No additional testimony was submitted and the hearing was closed.

Thomas explained that:

- The lot on the north would be laid out so that a new, single-family house could be constructed. The lot would exceed all minimum lot requirements for an R-1 lot. There does not need to be a plan for the property at this time. She clarified that the total site is over three acres in size. The space for the religious institution and drive area would utilize 2.86 acres and the site would still have additional land that could be used for a single-family residence.
- The driveway must be located as close to the crest of the hill on Hillside Lane as possible to provide good sight lines on both sides. The drive location would not be an issue for a single-family house lot, but would be for the driveway of a religious institution and is the reason for the conditional use permit making a distinction between the part of the site to be used for a religious institution and the part that could potentially be used for a residence in the future.
- The driveway easement would be recorded with the property. A change of owner would make no difference.
- A monument sign would be allowed in accordance with the sign ordinance.
- City staff does not have the authority to prevent a property owner from combining lots. That could be done by filling out a form with the county.

Chair Kirk noted that a logical course of action would be to create designated areas for pedestrians to cross Hillside Lane West and Hopkins Crossroad.

Thomas stated that:

- Property owners could petition the city to have “no parking” signs installed on the street. There would need to be a strong consensus among all property owners adjacent to the street. The city council has the authority to approve “no parking” signs.

- The city is not allowed to restrict the number of visitors to a site or the number of special events held.
- Fencing and landscaping would not be requirements of the conditional use permit. Commissioners could add fencing or landscaping as a condition of approval if it would mitigate the impact to or make the use more compatible with the surrounding area.
- A traffic study identifies what would occur on a regular basis rather than specific holidays or special life events.

Luke asked if there would be a setback requirement from the driveway. Thomas answered that the required setback would be 20 feet which is what is illustrated on the site plan.

Henry asked if there would be a setback requirement from parking spaces to the adjacent residence. Thomas answered in the negative. The existing house would be removed.

Henry is totally impressed with the improvements to the plan. He supports staff's recommendation.

Knight really likes the proposal. The building itself looks magnificent. The concern with traffic on Hopkins Crossroad has been remedied. Many drivers would turn right when exiting the site. He understood the initial concern neighbors felt, but he thought it would end up being a good fit for the neighborhood.

Luke was impressed with the drawing of the building. It would be beautiful. She was impressed with the partnership and the understanding between the neighbors and the applicant. Compromises have been made. She encourages the applicant to continue working with neighbors. She supports staff's recommendation.

Hanson was overall supportive of the project. He encouraged the applicant to maintain communication with the neighbors to address light and noise issues.

Sewall encouraged the applicant to finish strong by keeping neighbors informed and being open to changes to be the good neighbors he knows they would be.

Chair Kirk felt that the process has taken the proposal to a better conclusion than where it was a year ago. The neighborhood would be impacted by the project. He hoped the landscaping plan would be more developed for the city council's review. He preferred more coniferous trees than fences. He would like to see a clear pedestrian access. He liked the use of glass and stone. It makes the building attractive and look more natural. He supports the project and appreciated the neighborhood and applicant working together.

***Henry moved, second by Hanson, to recommend that the city council adopt a resolution with modifications provided in the change memo dated Feb. 7, 2019***

*approving items for the Chabad Center for Jewish Life located at 11021 Hillside Lane West; 2327, 2333, and 2339 Hopkins Crossroad; and 11170 Mill Run.*

*Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent.  
Motion carried.*



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | [eminnetonka.com](http://eminnetonka.com)

**To:** Planning Commission  
**From:** Loren Gordon, AICP, City Planner  
**Date:** Feb. 7, 2019  
**Subject:** Change Memo for the Feb. 7<sup>th</sup> Planning Commission Agenda

---

#### ITEM 8C – Chabad Center for Jewish Life

- **Report.** Staff's general recommendation was included in the "Summary Comments" section of the report, but was cut off from the "Staff Recommendation" paragraph. For clarity, please note:

##### **Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run

- **Resolution.** Please add the following condition to the landscape plan requirements, beginning on page 9 of the resolution:

Plantings must be field located, and approved by city staff, to maximize buffering of area residences.

- **Attachments.**
  - The city attorney's 2018 memo was inadvertently not include with the report. It is attached.
  - Several comments were received after publication of the report. They are also attached.

**To:** Planning Commission Members

**From:** Corrine Heine, City Attorney

**Date:** April 20, 2018

**Subject:** Religious Land Uses and Institutionalized Persons Act of 2000 (RLUIPA)

---

The Chabad Center for Jewish Life has submitted an application for a conditional use permit to construct a religious institution or facility within an R-1 zoning district. The application is scheduled for a public hearing before the planning commission on April 26, 2018. This memo provides general legal guidance to assist the commission in its review of the application. The intent of the memo is to point out the legal parameters within which the commission must exercise its discretion, not to dictate how that discretion should be exercised.

Members of the planning commission are familiar with the laws related to conditional use permits. To summarize those general requirements:

- If an applicant meets the requirements set forth in the zoning code for the issuance of a conditional use permit (CUP), the applicant is legally entitled to have the CUP approved.
- If the proposed use creates adverse impacts that could cause the CUP to fail to meet a requirement of the ordinance, but the applicant offers to accept a condition that would mitigate that adverse impact, it is arbitrary to refuse to consider the proposed mitigation. However, the city is not required to accept the proposed condition if it is insufficient to mitigate the harm. (For example, assume an application for a gas station CUP, and the evidence shows that lighting and headlights could have adverse impacts on neighboring properties. If the applicant offers to accept conditions that restrict the hours of operation and require fencing around the property, the city must consider whether the conditions will mitigate any adverse impact. The city may reject the condition if it reasonably determines that the harm will still occur, even with the fencing and restricted hours.)

The general laws related to conditional use permits apply to the proposed CUP. In addition to those general requirements, because this application involves a religious institution, the provisions of the federal Religious Land Uses and Institutionalized Persons Act of 2000 ("RLUIPA") also apply. This purpose of this memo is to provide a general overview of RLUIPA as it relates to land use approvals.

Congress enacted RLUIPA to address concerns that local zoning authorities sometimes discriminated against religious institutions by placing excessive or unreasonable burdens on the ability of congregations and individuals to exercise their faith. RLUIPA provides the following protections for religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions:

- *Protection against substantial burdens on religious exercise.* RLUIPA prohibits any land use regulation that imposes a “substantial burden” on the religious exercise of a person or institution except where justified by a “compelling governmental interest” that the government pursues in the least restrictive way possible.
  - Courts determine whether a zoning restriction constitutes a “substantial burden” on a case-by-case basis. Whether there is a substantial burden depends upon the context, including the size and resources of the burdened institution, the actual religious needs of the institution, space constraints, whether alternative properties are reasonably available, past efforts to locate within a community, and other factors.
  - Any of the following could constitute a substantial burden: effectively barring the use of a particular property for religious activity; imposing a significantly great restriction on religious use of a property, or creating significant delay, uncertainty or expense in constructing a religious facility.
  - Examples where courts have found a substantial burden: onerous off-street parking requirements; denial of expansion plans for a religious school.
  - Examples of no substantial burden: church was denied the amount of off-street parking it preferred because reasonable parking alternatives were available; church was denied ability to demolish a landmarked building for expansion when there was other suitable space on the church property.
- *Protection against unequal treatment for religious assemblies and institutions:* RLUIPA requires that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.
  - When reviewing this application, planning commission members must not treat the use any differently than a non-religious place of assembly, such as a school, places of assembly or community center.
- *Protection against religious or denominational discrimination.* RLUIPA prohibits discrimination against any assembly or institution on the basis of religion or religious denomination.
  - It is important for the planning commission to ensure a fair and unbiased hearing. If, for example, a member of the public comments on the religious practices of the applicant’s religious group, the chair should rule such comments out of order and direct planning commissioners to consider only the land use and land use impacts and not the specific religious practices of the applicant.
- *Protection against total exclusion of religious assemblies:* Governments may not totally exclude religious assemblies from a jurisdiction.
  - The city does not exclude religious assemblies. They are allowed by conditional use permit in residential zones.
- *Protection against unreasonable limitation of religious assemblies:* Government may not unreasonably limit “religious assemblies, institutions or structures within a jurisdiction.”

While the sheer length of RLUIPA’s title can sound intimidating, compliance with RLUIPA is not complicated. The application must be evaluated based upon the contents of the application, and the requirements of the city’s ordinance. The commission must look at land use impacts, not

specific religious practices. Lastly, the applicant's proposed use cannot be subjected to standards that are any more restrictive than would be required for any other type of assembly, such as a school or a community center.

Jon and Susan Wiens  
2346 Vernon Circle  
Minnetonka, MN 55305

February 5, 2019

City of Minnetonka  
Planning Commission Members  
14600 Minnetonka Blvd.  
Minnetonka, MN 55354

Re: Chabad Proposed Development on Hopkins Crossroad, Mill Run and Hillside Lane

Dear City of Minnetonka Planning Commissioners:

We are Minnetonka residents residing in the Tanglen Woods cul-du-sac on Vernon Circle that abuts the Chabad Center for Jewish Life (Chabad) development proposed to be built on property located on Hopkins Crossroad, Mill Run and Hillside Lane. We have participated in the City's review and denial of prior proposals submitted by Chabad for a similar project and understand the changes Chabad proposes for the current application. We offer the following comments and suggestions.

The current proposal for the Chabad center has improved in significant ways that diminishes our concerns about the health and safety of the public from what would have been increased traffic congestion and pedestrian traffic on Hopkins Crossroad. With the new entrance proposed to be constructed on Hillside Lane, we anticipate that pedestrian traffic will no longer be required on Hopkins Crossroad. We also anticipate that the stacking problems on Hopkins Crossroad that would have been caused by left-hand turns into the previously proposed entrance, as demonstrated by the neighbors' real-time videos, will no longer be of concern. Additionally, the revised design proposal takes into consideration many of the neighbors' concerns about height and visual appeal. We are appreciative of these changes and submit that the current Chabad proposal addresses many of the concerns the neighbors raised in response to Chabad's initial proposed development. However, two concerns raised in the prior proposal remain; the disproportionate size of the building for the neighborhood and overflow parking in small residential neighborhoods.

The current design did not reduce the size of the proposed facility from Chabad's original proposal but is slightly larger at approximately 16,400 square feet. You may recall the first proposal before the Planning Commission included three residential lots. The final proposal considered and rejected by the City Council included four residential lots. The current proposal includes five residential lots – a signal that this proposal is too large to fit within the small residential lots nestled in a small residential community. This proposed facility is four to eight times larger than the homes in neighboring areas. As part of the Planning Commissions' deliberations on this application, the Commissioners should ensure the City Council and the Planning Commission would have continued regulatory power under the

terms of the Conditional Use Permit (CUP) and the City's ordinances for all future proposed activities and developments. All five parcels, in their entirety, should be included within the confines of the CUP.

The City's CUP ordinance is not clear whether these properties must be combined into one lot before they may be properly approved under the CUP ordinance but the benefit of such a requirement is that no further changes or alterations on the five parcels will be permitted if all such parcels are included in the request for a CUP. Whether or not a formal process for combining these five lots into a single lot for purposes of the CUP application is utilized, as suggested by Minnetonka Code of Ordinances, Sec. 400.020, subp. 1. (that "all changes to property lines or boundaries, by subdivision, by combination or lot line adjustments must be approved by the City"), the Planning Commission should carefully consider this issue as the decision to combine five residential lots to make way for a 16,400 square foot non-residential facility has not only significant consequences for the many adjacent neighborhoods but will have significant precedential effect. Has the Planning Commission ever approved the combining of five or more residential lots to make way for a large non-residential complex? My review of historical projects in the City did not reveal any precedent where multiple residential lots in an R-1 zone were combined to allow for the building of a new larger non-residential facility. Further, if five residential lots can be combined into one lot to allow for construction of a building that is roughly four to eight times the mass of all nearby residence, where is the limit? Can 20 residential lots in the heart of a residential neighborhood be combined to allow for a non-residential building?

These are questions the Planning Commission should be prepared to answer before it approves Chabad's request for combining the proposed residential lots. Chabad's need for five residential lots for its proposed development is an indication that the proposal is too massive for the single family home residential neighborhood in which it is proposed. Chabad has the option to locate its center to a more appropriate location but the unfortunate reality for the neighbors surrounding the proposed development is that our homes cannot be moved. Before setting a precedent for all Minnetonka residential communities that may forever change single family neighborhoods, the Planning Commission should consult with the City Council to consider proposing an ordinance that addresses issues resulting from the combination of multiple residential lots and hold public hearings, so Minnetonka residents and other stakeholders can thoroughly debate and thoughtfully developed an appropriate strategy and ordinance.

If the Planning Commission recommends the combining of five residential lots to make way for a 16,400 square foot facility without any further discussion, we continue to have concerns regarding overflow parking in the neighborhood and specifically on Vernon Circle. The applicant admits that insufficient parking exists for events where more than 150 visitors are present at the facility but proposes that no events at the facility will exceed 150 visitors, and therefore, no parking issues are present in the neighborhood. However, the applicant does not indicate how it intends to limit such attendance nor what it will do if this limit is exceeded. As the neighbors have expressed in writing to prior proposals, a facility of this magnitude with the amenities it will hold, will be an enviable place for large events like weddings, bar and bat mitzvahs and significant holidays. When these events take place, there is no suitable plan for offsite parking. A proposed solution for busing from an off-site location is not acceptable as we know that if local street parking is available, visitors will choose the easiest, quickest option to access the facility.

Chabad has not provided a plan for over flow parking as it does not currently believe it will have attendance at any event in excess of 150 visitors. For reasons provided above, it is unrealistic to expect

that attendance at any single event will never exceed 150 people. This is not a realistic portrayal of how a 16,000 square facility will be used now or in the future. Nevertheless, should the Planning Commission recommend approval of the CUP application, then to accommodate the neighbors' legitimate concerns regarding the lack of adequate on-site parking for these larger events, we ask the Planning Commission to consider the following options:

- 1) If Chabad continues to assert no more than 150 people will attend the facility for any one event, limit the number of people that may attend the facility and place that limit in the approval of the CUP; or
- 2) Limit the number of events that can be held each year where more than 150 visitors are expected to attend – to under five or six -- and require that Chabad submit a parking management plan to the City for approval before the CUP is granted that provides, at a minimum, the requirement to work in conjunction with the Minnetonka City Police department to direct traffic and to temporarily restrict parking on small neighboring streets.

Additionally, as residents of the Vernon Circle neighborhood, we also request that if the Planning Commission recommends approval of the CUP that parking on Vernon Circle be limited to parking on one side of the street (in addition to the current limitation that parking is not allowed on either side of the street during school days).

Thank you for your consideration of these issues.

Respectfully,

  
Jon and Susan Wiens

cc: Mr. Brad Wiersum, Mayor (via email)  
Ms. Rebecca Schack, Ward 2 Council Member (via email)  
Ms. Susan Thomas, Project Planner (via email)  
Ms. Julie Wischnack, Community Development Director (via email)

## Susan Thomas

---

**From:** Jo Soo  
**Sent:** Wednesday, February 6, 2019 11:51 PM  
**To:** Brad Wiersum; Deborah Calvert; Bob Ellingson; Rebecca Schack; Mike Happe; Tim Bergstedt; Brian Kirk; Brian - Gmail  
**Cc:** Loren Gordon; Julie Wischnack; Susan Thomas  
**Subject:** Chabad Center project

Dear Mayor, Council Members, Planning Commissioners and City staff,

I am writing in regards to the new Chabad Center project application. First of all, I want to acknowledge the effort by the Applicant and the new architect to ensure that the architectural design fits in better with the neighborhood. This time around, the architect and the Rabbi is able to take neighbors' concerns into account, on issues such as the building design, building height and placement of windows. By containing outdoor activities in the enclosed courtyard, hopefully it would minimize noise impacts to adjacent neighbors. Kudos!

Further collaboration with neighbors on the placement and types of trees, as well as lighting plans would hopefully help preserve the privacy of adjacent neighbors and for the Chabad Center to be harmonious with its neighbors.

I have a few questions about the project:

1. The traffic report does not indicate suitability of sight distances from both Hopkins Crossroads and Vernon Circle/Drive to the proposed driveway. Does the traffic study performed by SRF agree or disagree that the proposed driveway provides a safe stopping sight distance and intersection sight distance from all the relevant intersections (73/Hillside and Vernon Drive/Vernon Circle/Hillside)? Does the City agree that the proposed driveway would not cause undue harm to pedestrians and motorist? This wasn't documented in the traffic report.
2. The traffic counts and analysis does not look like it fully covered anticipated large events. If I read it correctly, seems like most, if not all of the analysis and resulting recommendations were for the regular service.
3. For the Saturday service (10:00am-2:00pm) analysis, why aren't counts collected from 9:30am-2:30pm, when traffic would most probably occur, not during the service?

The following are some concerns that I have, and I've provided some solutions. I am asking the Planning Commission and the City Council to seriously consider these concerns and to also agree with the proposed solutions and set them as conditions to the CUP, as the City is allowed to do.

### 1. Traffic Flow

#### Concerns:

- Vehicle turn-around in Vernon Circle/Vernon Drive
- Vehicle turn-around in Cape Cod
- Vehicle turn-around in Tanglen Elementary
- Hillside Lane/Vernon Circle intersection is the only available exit for Vernon Circle residents

#### Solution:

- Use of traffic officers if expected attendees are over 75 people to prevent concerns above. I saw this effectively used at the River Valley Church - Crosstown Campus tonight, as well as other places of worship during events.

## 2. Parking

### Concern:

- Vehicles parking in neighborhood streets

### Solutions:

The Rabbi can work with the neighborhood and be a great influence to visitors

- Put up signs in the center to remind people not to park on neighborhood streets
- Put up signs to encourage use of shuttle
- Provide friendly reminder during service/events not to park on neighborhood streets
- City/Chabad to put up "No non-resident parking" signs on close-by neighborhood streets if expected attendees are over 75 people

## 3. Headlights

### Concerns:

- Intrusive headlights into homes
- Affecting most homes in Vernon Circle
- Affecting homes at 11018 Hillside Lane, 2223 Hopkins Crossroads and 11105 Hillside Lane

### Solution:

- Put up fencing in strategic areas along the propose driveway
- Dense year-round tree coverage along the proposed driveway
- Dense year-round tree coverage across from driveway entrance on Hillside Lane

Thank you for your time and commitment to the safety, diversity and prosperity of the City of Minnetonka!

Sincerely,

Jo Soo

2391 Vernon Circle

February 7, 2019

City of Minnetonka Planning Commission

Regarding: Planning Commission Review of Chabad Center for Jewish Life  
11021 Hillside Lane west, 2327, 2333 and 2339 Hopkins Crossroad, at 11170 Mill Run

We are writing to express concerns regarding the proposed Chabad Center for Jewish Life. My wife Susan and my home adjoins the property on the east and north side and will be affected by the development if approved.

## **Overview**

### **2019 Plan versus 2018 Plan**

The 2019 plan for the proposed Chabad structure is far superior in aesthetics , height and mass to the 2018 plan. However, we have some concerns that we would like the applicant, the Planning Commission, City Council and City staff to review and address.

### **Hillside Lane west Entrance and Driveway Concerns**

The proposed entrance and driveway to the Chabad Center will create headlight issues for our home (2390 Vernon Circle), our neighbors' homes on Vernon Circle and the homes on the north side of Hillside Lane west. The new drive way bisects a residential neighborhood leaving homes on both the north and south side of the driveway exposed to headlights and noise from the driveway.

This issue is shown on a second document that accompanies this letter. This document plats the proposed development with surrounding homes and illustrates how vehicle headlights will be both directly and indirectly shining into the living spaces of at least 10 homes that neighbor the proposed driveway.

Since much of the year it is dark for the proposed services at Chabad both in morning and in the evening, this will be a constant issue and needs to be addressed so as to eliminate the direct and indirect vehicle head lights from invading neighboring homes. No neighbor should have to close window coverings because of the head light issues created by the proposed Chabad driveway.

### **Landscaping**

We request that Chabad be required to collaborate with neighbors on the proposed fence, placement and types of trees, as well as lighting plans to preserve the privacy of adjacent neighbors and for the Chabad Center to be harmonious with its neighbors.

### **Traffic Flow**

Because the proposed entrance is very close to County Road 73 and located at the top of a significant hill to the west, we are concerned about traffic flow. Many cars will turn east on Hillside Lane because of traffic stacking issues on Hillside Lane going to the west. There is less than 300 feet for cars to stack on Hillside Lane before the intersection with County Road 73. This issue will be exacerbated on large holidays and life cycle events at the proposed Center. The Hillside Lane/Vernon Circle intersection is the only available exit for Vernon Circle residents

Our concerns are as follows:

- **Vehicles should not be allowed to turn-around in Vernon Circle/Vernon Drive**
- **Vehicles should not be allowed to turn-around in Cape Cod**
- **Vehicles should not be allowed to turn-around in Tanglen Elementary**

Proposed solution:

- We would request that the city require the use of traffic officers if expected attendees are over 75 people to prevent concerns above.

### **Parking**

Vehicles parking in neighborhood streets including Vernon Circle will be an ongoing issue

Proposed solution:

We request that the City require the applicant to do the following.

- Have permanent signs in the Center to remind people not to park on neighborhood streets
- Have permanent signs to encourage use of the proposed shuttle service
- Provide reminders during service/events not to park on neighborhood streets

We request that the City or Chabad put up "No non-resident parking" signs on close-by neighborhood streets if expected attendees are over 75 people

Thank you for your time and commitment to the safety, diversity and prosperity of the City of Minnetonka.

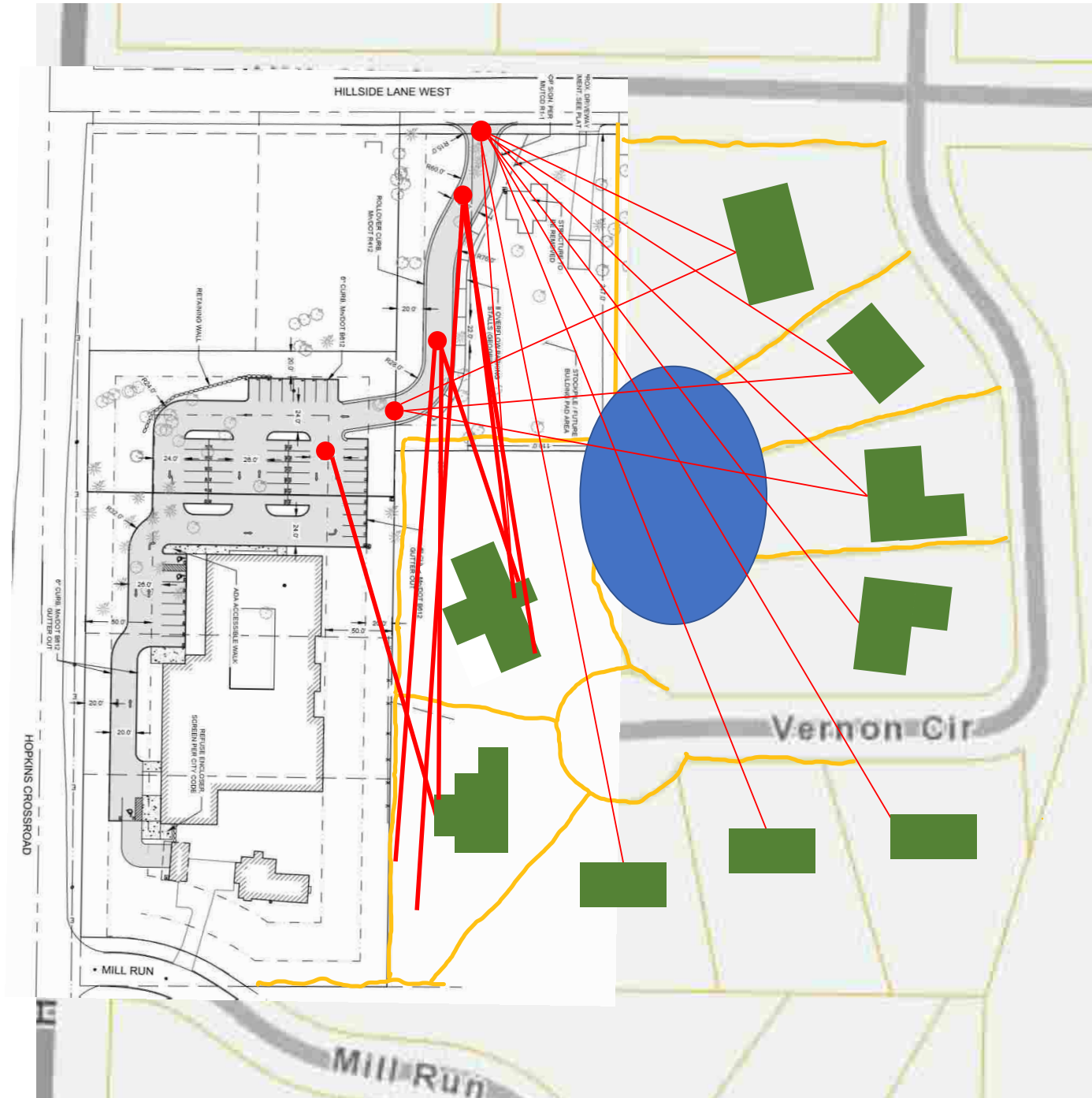
Sincerely,

**Michael Leirdahl & Susan Flint**

2290 Vernon Circle  
Minnetonka, MN 55305

## Proposed Chabad Driveway Vehicle Headlight Issues

January 31, 2019 - Prepared by Michael Leirdahl, 2390 Vernon Circle



February 7, 2019

Dear Susan,

As an adjacent neighbor to the Chabad project I acknowledge and appreciate the effort on the part of the applicant and architects to use the increased acreage to create a one-story design which is sensitive to the privacy of neighboring homes, especially on the east side of the property. With a more harmonious structure and solid landscaping plan, if approved I hope that this intent towards harmony would extend to the increased intensity of use in terms of activity levels, traffic and parking.

Some comments on the proposal:

- As discussed at the meeting with the applicant and the city, we appreciate attention to ensuring that the floor-to-ceiling vertical sanctuary windows have the appropriate amount of metal screening/obfuscation of views to east side homes
- The glass-windowed hallway/gathering place outside the sanctuary will be visible from east side homes/deck – what solution is there for privacy until the landscaping grows in?

Concerns per activity and traffic safety:

- Adding institutional traffic to this segment of Hillside Lane. Hillside has a steep slope and topographical challenges that we often try to avoid, especially considering how easy it is for cars to slide down the hill to CSAH 73 in the winter.
- Impact to neighboring Hillside homes – increase in turning traffic and lights into homes will affect quality of life. How can this be mitigated?
- Sight distance at the driveway which was not assessed in the traffic study. Would appreciate this being evaluated/documentated once the driveway location is finalized.

Thanks for your consideration,

Kristin Soo  
Vernon Circle neighborhood, Minnetonka

February 7, 2019

Dear Planning Committee, City Council Members, and Staff:

My name is Mike Anderson. I am the owner of the property at 11105 Hillside Ln. W.

I was just recently informed by the City of the Chabad Project and would like to express my opinion about it. I called Susan Thomas on February 5, as I had not received any information about the project. I receive my water bill and tax bill from the City through the mail but have not gotten City information about any development projects. Susan said that she researched this problem and found that mailings about them were being sent to a different, and incorrect, address. Hopefully, this has now been corrected.

I believe that the Chabad Project will have a substantial impact and adverse effect on the land-use of my and surrounding properties. When I bought my property some thirty years ago, I went to the city and reviewed records, asking about proposed and possible future development around my house. I was told that the area was already fully-developed and would not change, as this is an "R-1 Area." I understand the city R-1 Code and how it has considerations for religious properties; however, I believe that this project is too large for, and will be very disruptive to, our residential community.

Shortly after I purchased the Hillside property, in 1988, I was told that the neighboring owner at 11021 Hillside wanted to split his lot into two properties. I attended a Planning Commission meeting about this and voiced my concerns, citing potential problems that would be caused by this action. The city decided that the lot in question was not large enough to split and denied his proposal. Thirty years later, not only will the Chabad Project split a lot but build a road as well. Let's be clear – this will be a real road, not a "driveway," as they have named. A driveway is meant to be used by only several cars. The proposed area of pavement could potentially be used several hundred times per day, used by not only cars but by business vans, delivery trucks and school buses. The city would never allow a homeowner to build such a thoroughfare in a residential area and I question how the Chabad Project proposal would be considered appropriate.

The Chabad Project states that the project will have less impact on its surrounding properties than single-family homes. This is just not true. Using the numbers cited in the proposal, the parking lot will be easily maxed-out during regular usage and additional parking will be needed on a routine basis. Special events, such as religious holidays and weddings that draw large audiences, could easily exceed the proposed numbers.

Considering this is a 3.4 acre site, only 2.2 acres will be used for the bulk of the project because another .6 acres is planned for a single-family home and the new road will take up the other .6 acres.

Below are my specific concerns:

1. There will be safety issues concerning additional cars on the road, people walking and biking in the area, and traffic impacting the Tangland Elementary School in the area. I currently have safety issues getting out of my property as it is now situated. The proposed road would only make things worse by increasing the numbers of vehicles passing my property.

2. There has been no discussion about landscaping, fencing, bushes or berms around my property from the east, and little about the south side, concerning the protection of privacy the project is willing to accommodate for its neighbors. My property, one of the most affected by this project, will essentially lose its residential status and become a neighbor to a commercial property. My property will be affected almost 180° by vehicle headlights from the proposed road and parking lot. The proposal shows a drawing of the impact of headlights on neighboring homes but my property is not shown to be affected. If this proposal is approved, the very busy County Road 73, to my west, will affect my property the least of the 4 sides, which is dramatic.

3. As I am reading that Chabad wants to be good neighbors, I also notice that parking lots next my property will be built at a 20 ft. minimum distance to the lot line; however, the rabbi's house, and others, are a minimum of 50+ feet to any property. Could the construction be moved to the south a bit, to be more fair, and split the distance on each side of the project? As a good neighbor, this would help mitigate some concerns. However, this does not negate the fact that the proposal is too intense of a use of this small of an area of acreage.

4. It has been stated that this project will have less effect on the area than a single family home. I have yet to see a +16,400 sq. ft. single family home, that has up to 150 or more people coming and going many times monthly, perhaps even daily, and certainly even more on a yearly basis. This amount of traffic and activity is certainly not in the gentility of our quiet residential neighborhood.

5. There should be concerns about water management over to the corner of Cty Hwy 73 and Hillside Lane. This area already has water problems and to add more runoff, undoubtedly caused by the buildings and so much pavement, would not be wise. In addition, the proposal states that there would be more drainage to Hillside Lane. I have concerns and difficulty understanding where the water would flow that it would not impact others properties.

6. There would be an impact to the wildlife in the area. There are many deer and other animals that move between all of the area properties. This project will have a direct effect on their environment and movement patterns.

7. It has been repeated many times that the proposed buildings have a "residential look." I have yet to see a +16,400 sq. ft. property of any kind that looks like a neighborhood home, and this one does not either.. Just because the City has no maximum home size limitation, it should not mean that an unlimited-size building, which is not home, can be built in a residential area. The area, if you include the rabbi's home and the +16,400 sq. ft., add up to

more than 20,400 sq. ft. of buildings on only 2.2 acres. If this land would have single family homes on it, maybe there would be 3 homes, approximating a total of +/- 9,000 sq. ft. Even this estimate per home would be considered very large for the current neighborhood. Again, the intensity of use proposed is far too much for this site.

8. As I have stated several times, to substantiate other specific concerns, the use of space proposed in this project is just too intense for the acreage. The project would have a substantial effect on land-use and traffic, admitted by their suggestion that buses will be used during peak times of attendance, to bring people to the property from off-site parking. Yes, Chabad may have an agreement with a local business for temporary off-site parking but that only reinforces the fact that this proposal is weak. Without being able to provide for adequate parking spaces, it seems obvious that there is not enough land for this project.

9. There has been no plan or recommendation provided to mitigate the increased noise level impacting surrounding properties.

10. This development will isolate my property from the neighborhood and, even more, will take away the climate of the residential quality of living in this peaceful pocket of a community neighborhood. The project completely changes every aspect of why current residents have searched for, and made a home in, this area of the hustle and bustle of the Twin Cities.

Thank you for your time, for reading my letter, and for considering my concerns.

Sincerely,

Mike Anderson

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

There was a 10-minute recess.

**C. Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run.**

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Rabbi Mordechai Grossbaum, representing Chabad Jewish Community, applicant, stated that:

- He thanked the neighbors for their input to make sure the proposal would fit in the neighborhood.
- The applicant would continue to perfect the project to fit in the neighborhood.
- He introduced realtor Jeff Herman of Urban Anthology, architects Gabe Keller and Ryan Fish, and attorney Marvin Liszt.

Mr. Herman stated that the applicant is looking for a home with a welcoming feeling. The proposed site was for sale for one year. He understood the neighbors' concerns with the intensity of the use and public safety. Purchase of a second property would allow access to the site from Hillside Lane. He was excited to present a project that would make a lot of sense. There is a sidewalk system that goes along the street and another synagogue along that street. He requested that the project be approved.

Ryan Fish and Gabe Keller, architects with Peterssen Keller Architects, introduced themselves. Mr. Keller stated that:

- Thomas did a good job covering the history of the proposal in her report.
- The proposal would be similar to the residential houses that the architectural firm works on. The building would not be two stories or large. The building would be spread out and modestly scaled.
- He reviewed the revised site plan with neighbors who had previously expressed concerns. The landscape architect found a way to spread coniferous trees along the driveway, increase fencing, and grade the site to prevent vehicle lights from leaving the site.
- Finding the perfect elevation would help the building feel balanced.
- There would be more parking than required by code requirements. More would be available for special events.
- There would be plenty of green spaces.

- There would be no variances.
- Safety of the site would be improved. There would be no through traffic, so Mill Run would only have traffic from the private residences.
- The floor plan would remain the same. Activities would be contained inside the building and the court yard.
- The materials used would be beautiful and of high quality. Masonry, wood, and glass would be used.
- There is an existing drive to Hopkins Crossroads that would be removed.
- He reviewed the designs and explained how light would be mitigated.
- Native grasses would be used to soften the edges of the property.
- Lighting would have a residential feel. Shades would be on a timer and shut automatically in the evening.
- The applicant was not dismissing any of the neighbors' concerns.
- He was available for questions.

Chair Kirk asked how a pedestrian would access the building. Mr. Keller explained the foot-traffic pattern. Thomas explained that a trail on Hopkins Crossroads is scheduled to be constructed in 2023.

Mr. Keller encouraged residents to continue to reach out to him and continue the dialogue. He stated that the building would be 17 feet in height. The sanctuary space would extend to 23 feet in height. Thomas explained that the height of a home is measured at the midpoint of a pitched roof. The peak of the roof would be higher. Gordon provided that the maximum height of the roof would be 35 feet. The technical height of the proposed building is 17 feet.

In response to Henry's question, Mr. Keller stated that the neighbors did not mention a preference with the height of the proposed six-foot fence. Mr. Keller added that very specific light standards that restrict how much light may extend onto an adjacent property would be met. Software would be used to verify the coverage areas of the parking lot lights.

Luke confirmed with Thomas that the standard for surrounding cities for parking of a religious institution is one parking stall for three sanctuary seats.

The public hearing was opened.

Gregg Hoogeveen, 2525 Cedar Hills Drive, stated that:

- There are ten vehicles usually at each service.
- There is a path through the forest.
- There is plenty of parking on his street.

Sarina Harris, Golden Valley resident, stated that:

- Chabad would make really good neighbors.

- The synagogue is being built for herself and her family.
- She hoped commissioners would support the proposal.

Jo Soo, 2391 Vernon Circle, stated that:

- He likes the building design. It looks wonderful. The design and architecture would fit in well with the neighborhood. His concern with the building height has been addressed. The design and location of the courtyard shows that it was designed to minimize the noise of outside activities.
- The screening with trees and lighting plans will help minimize the impact on neighbors.
- The number of pedestrians would increase.
- There will be young drivers in the neighborhood.
- He questioned how large events would impact the neighborhood.
- He asked if the driveway location would be a safe location.
- This is a vibrant community.
- The proposal would have more visitors than the number listed in the application and would have a serious impact on the traffic.

Michael Lierdahl, 2390 Vernon Circle, stated that:

- The proposal has been greatly improved.
- He noted that trees or buffering would be needed to prevent headlights from hitting the houses on Vernon Circle.
- He wants a new fence rather than fixing the existing fence. He would like the good side of the fence facing his property. It should be tall enough to block the headlights.
- He was concerned with overflow parking for large events. Fifteen to 20 times a year would be a lot.

Tanya Farber, 11025 Joy Lane, stated that:

- She moved here to be part of the Chabad community.
- The design, location, and access from Hillside Lane would provide safety for pedestrians.
- The building looks beautiful. She is excited to have Chabad so close to where she lives and build relationships with the neighbors.
- She requested the application be approved.

Yvette, a resident of St. Louis Park, stated that:

- She is a member of Chabad.
- She wants to be part of a community that will embrace her and her family for years to come.
- Chabad would be an excellent addition to the community.

Sam Black, 2265 Cape Cod Place, stated that:

- The design is fantastic. It is much more harmonious with the neighborhood.
- Hillside Lane is already busy with drivers who do not stop at the stop sign in front of his house. There needs to be more marking and signs to provide pedestrian safety.
- He opposed monument signs being located on Hillside Lane.
- He suggested a long-term plan be created for the two residential lots on Hillside Lane and Hopkins Crossroads.

Susan Wiens, 2346 Vernon Circle, stated that:

- Many of her issues and concerns have been solved by removing the access from of Hopkins Crossroads.
- The proposal would have five lots. She questioned how many lots combined would be too many for an R-1 district. She suggested creating a policy to restrict the number of lots that could be combined.
- She asked how screening for the lot not included in the conditional use permit would be enforced.
- The traffic study looked at the normal, general use of the property. It did not include special events. There needs to be conditions to address large events that would cause overflow parking.

Mike Anderson, 11105 Hillside Lane, stated that:

- Tonight was the first he heard of screening for his property.
- He was concerned with noise from traffic on the driveway.
- He was concerned with headlights hitting his house and yard.
- The building would be attractive, but it would be larger than most of the houses in the neighborhood.
- After getting the easement, the rest of the property could be sold.
- It would be an intense use of the property.
- He was concerned with lighting hitting his property and house.
- It is difficult to drive onto Hillside Lane West.
- There would be several occasions where the capacity would be exceeded.

A current Edina resident who recently purchased 2600 Crescent Ridge Road, stated that:

- He and his wife purchased the residence to be close to Chabad and be part of the community.

Emilia Kvasnik, 14540 Woodruff Road, stated that:

- The new plan has addressed many issues and the applicant is willing to keep addressing and fixing concerns.
- She wants residents in the neighborhood to be as comfortable as possible.
- The proposal is balanced between the needs of the neighborhood and the benefits that Chabad would provide.
- She is very excited for Chabad to join the community.

Kristin Soo, 2391 Vernon Circle, stated that:

- She appreciated the building being changed to address her concerns.
- She requested protection from headlights for residences on Hillside Lane.
- Once the driveway location is confirmed, she requested that the sight distance be evaluated for the intersection.

No additional testimony was submitted and the hearing was closed.

Thomas explained that:

- The lot on the north would be laid out so that a new, single-family house could be constructed. The lot would exceed all minimum lot requirements for an R-1 lot. There does not need to be a plan for the property at this time. She clarified that the total site is over three acres in size. The space for the religious institution and drive area would utilize 2.86 acres and the site would still have additional land that could be used for a single-family residence.
- The driveway must be located as close to the crest of the hill on Hillside Lane as possible to provide good sight lines on both sides. The drive location would not be an issue for a single-family house lot, but would be for the driveway of a religious institution and is the reason for the conditional use permit making a distinction between the part of the site to be used for a religious institution and the part that could potentially be used for a residence in the future.
- The driveway easement would be recorded with the property. A change of owner would make no difference.
- A monument sign would be allowed in accordance with the sign ordinance.
- City staff does not have the authority to prevent a property owner from combining lots. That could be done by filling out a form with the county.

Chair Kirk noted that a logical course of action would be to create designated areas for pedestrians to cross Hillside Lane West and Hopkins Crossroad.

Thomas stated that:

- Property owners could petition the city to have “no parking” signs installed on the street. There would need to be a strong consensus among all property owners adjacent to the street. The city council has the authority to approve “no parking” signs.
- The city is not allowed to restrict the number of visitors to a site or the number of special events held.
- Fencing and landscaping would not be requirements of the conditional use permit. Commissioners could add fencing or landscaping as a condition of approval if it would mitigate the impact to or make the use more compatible with the surrounding area.
- A traffic study identifies what would occur on a regular basis rather than specific holidays or special life events.

Luke asked if there would be a setback requirement from the driveway. Thomas answered that the required setback would be 20 feet which is what is illustrated on the site plan.

Henry asked if there would be a setback requirement from parking spaces to the adjacent residence. Thomas answered in the negative. The existing house would be removed.

Henry is totally impressed with the improvements to the plan. He supports staff's recommendation.

Knight really likes the proposal. The building itself looks magnificent. The concern with traffic on Hopkins Crossroad has been remedied. Many drivers would turn right when exiting the site. He understood the initial concern neighbors felt, but he thought it would end up being a good fit for the neighborhood.

Luke was impressed with the drawing of the building. It would be beautiful. She was impressed with the partnership and the understanding between the neighbors and the applicant. Compromises have been made. She encourages the applicant to continue working with neighbors. She supports staff's recommendation.

Hanson was overall supportive of the project. He encouraged the applicant to maintain communication with the neighbors to address light and noise issues.

Sewall encouraged the applicant to finish strong by keeping neighbors informed and being open to changes to be the good neighbors he knows they would be.

Chair Kirk felt that the process has taken the proposal to a better conclusion than where it was a year ago. The neighborhood would be impacted by the project. He hoped the landscaping plan would be more developed for the city council's review. He preferred more coniferous trees than fences. He would like to see a clear pedestrian access. He liked the use of glass and stone. It makes the building attractive and look more natural. He supports the project and appreciated the neighborhood and applicant working together.

***Henry moved, second by Hanson, to recommend that the city council adopt a resolution with modifications provided in the change memo dated Feb. 7, 2019 approving items for the Chabad Center for Jewish Life located at 11021 Hillside Lane West; 2327, 2333, and 2339 Hopkins Crossroad; and 11170 Mill Run.***

***Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.***

**9. Other Business**

**A. Concept plan for redevelopment of the property at 14525 Hwy. 7.**

Gordon reported. Staff recommends that the planning commission provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate.

Sewall asked how this proposal is different from a previous application. Gordon explained that the commercial building was the back building and the apartment building was between the commercial building and the road in the previous proposal. This proposal would be the reverse. The commercial building would be located on the front of the property and the residential building in the rear.

Perry Ryan, of Lakewest Development, applicant, stated that staff's report described the proposal well. He stated that:

- The proposal would add an apartment building with four stories and underground parking.
- He plans on meeting with Gray to discuss affordable housing.
- A neighborhood meeting was conducted.
- The existing building is fairly empty. It has a hair salon, massage business, coffee shop, fitness space, and real estate and insurance office.
- It is a great location. Metro transit stops within a block of the site on Williston Road.
- There is a building permit being reviewed for exterior renovation of the existing building. He was hopeful to move forward with the exterior renovation. The proposed apartment building would have some matching features.

Knight noted that none of the apartments are labeled as having three bedrooms. He questioned what view a person standing on the hill at the adjacent park would have in relation to the proposed apartment building. Mr. Ryan explained that the top of the apartment building would be 10 or 12 feet taller than the park hill. The second-floor parking is at grade and then there would be four stories above that.

Revised Landscape Plan  
and Exhibits

**LEGEND:**

1. ENTRY MONUMENT
2. ENTRY DRIVE
3. OVERFLOW PARKING
4. MAIN PARKING LOT
5. PROPOSED WALL
6. PROPOSED BIRCH THICKET PLANTING
7. PROPOSED DECIDUOUS TREES
8. PROPOSED SCREENING TREES
9. PROPOSED MEADOW AREA
10. MAIN BUILDING ENTRY
11. COURTYARD SPACE
12. RESIDENCE
13. BOLLARDS
14. GARDEN AREAS
15. PROPOSED FENCE
16. PROPOSED LAWN
17. PROPOSED ORNAMENTAL TREE
18. RESIDENCE DRIVE
19. FUTURE RESIDENCE LOCATION
20. LANDSCAPE BERMS
21. EXISTING HOUSE ON SITE

EXISTING TREES

**CONCEPT NARRATIVE:**

The approach to the landscape design of the Chabad Center combines careful plant species selection with strategic intervention to create a **low-impact, beautiful, functional, and ecologically balanced** landscape. The landscape design will reflect the Chabad Center's desire to be a good neighbor and to be a **welcoming and inspiring community asset**. The landscape minimizes the contrast of an institutional presence in a residential neighborhood by incorporating a **contextually sensitive materials palette** and layering plantings for **visual screening**.

**NOTE: NUMEROUS EXISTING TREES UNDER 6" TRUNK DIAMETER NOT SHOWN ON PLAN**

HILLSIDE LANE W

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

MILL RUN

HOPKINS CROSSROAD

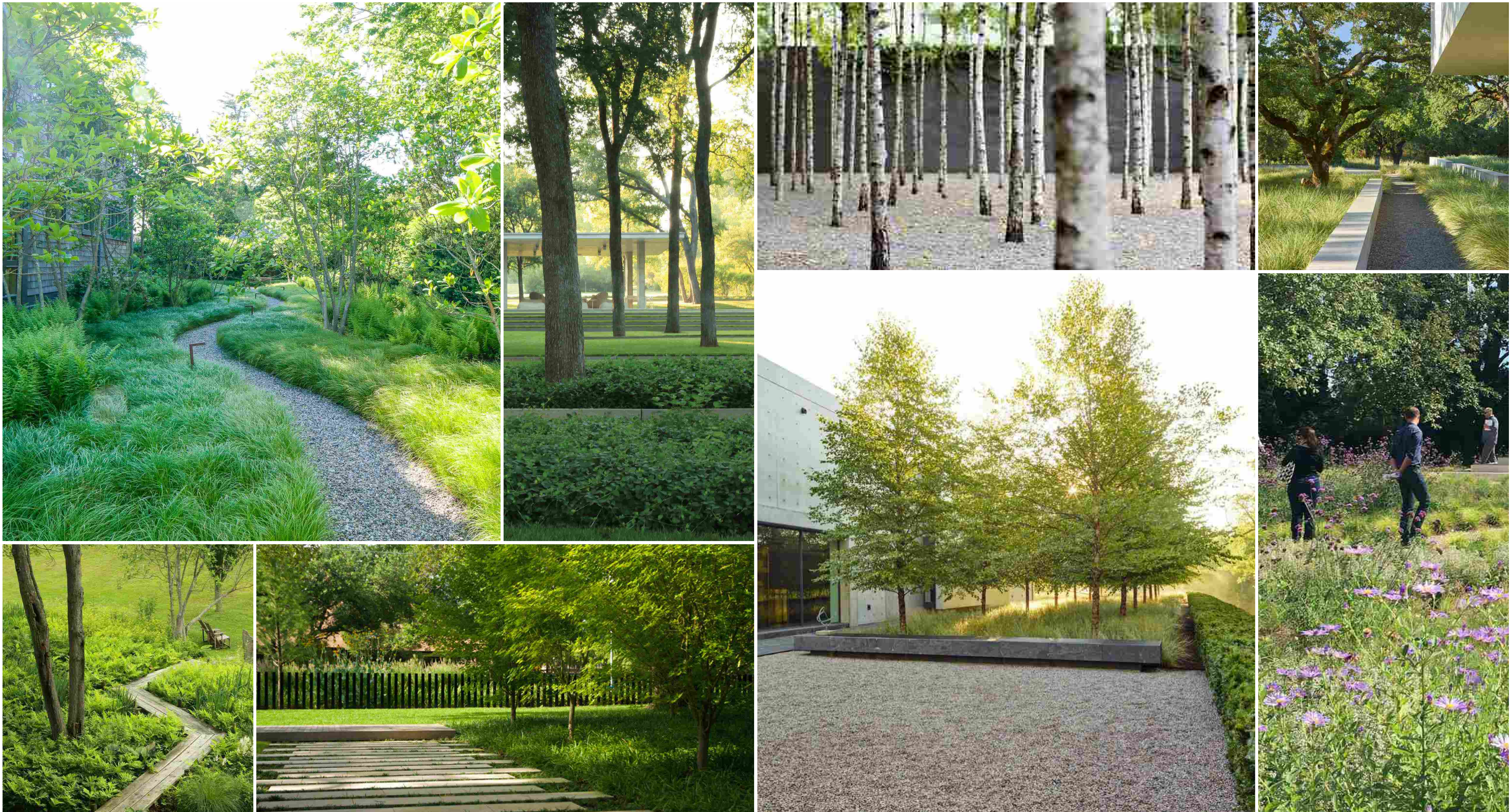
N

SCALE: 1" = 30'0"

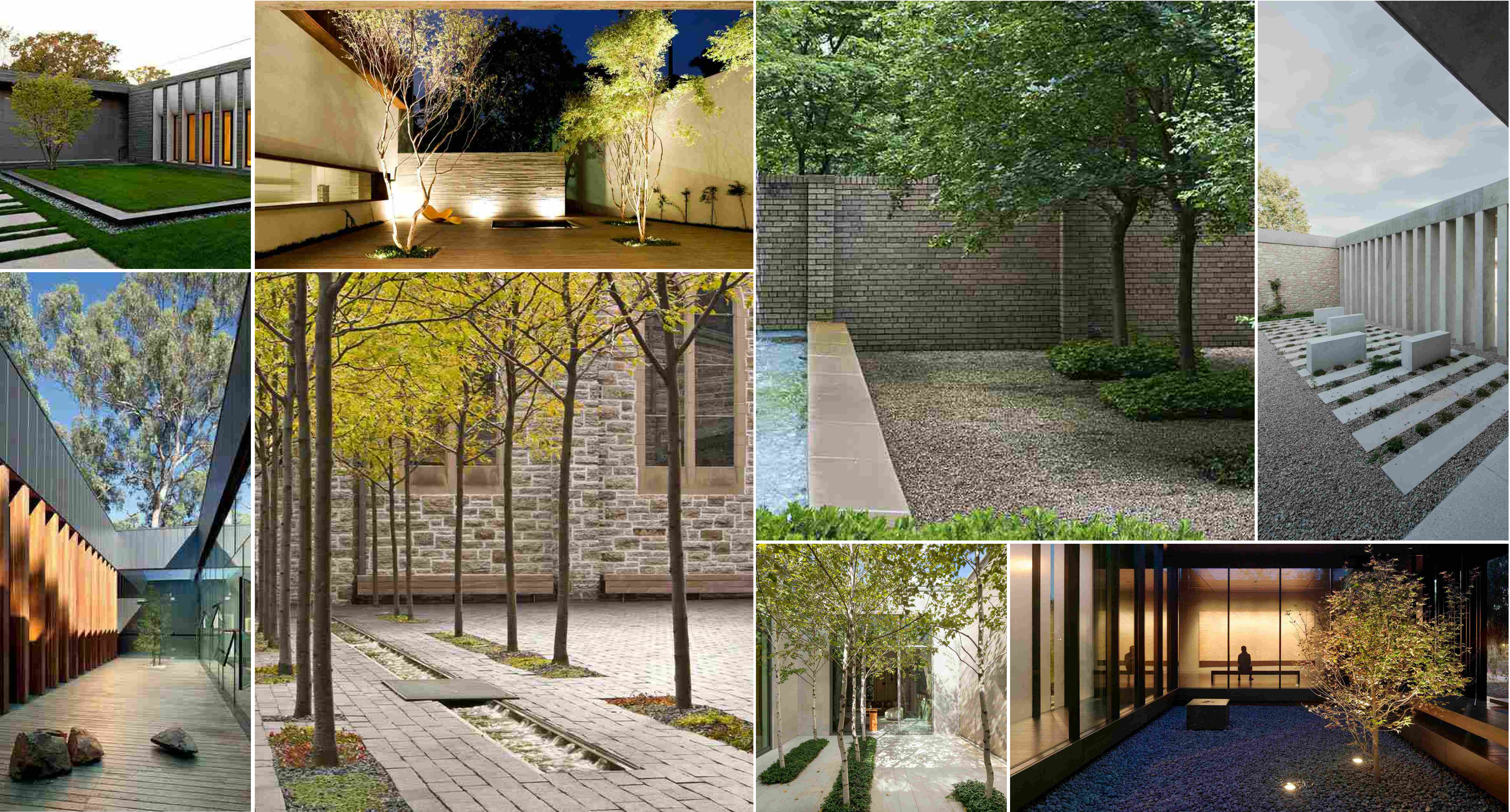
LANDSCAPE



CONTEXTUALLY SCALED + WELCOMING SPACES



COURTYARD SPACES

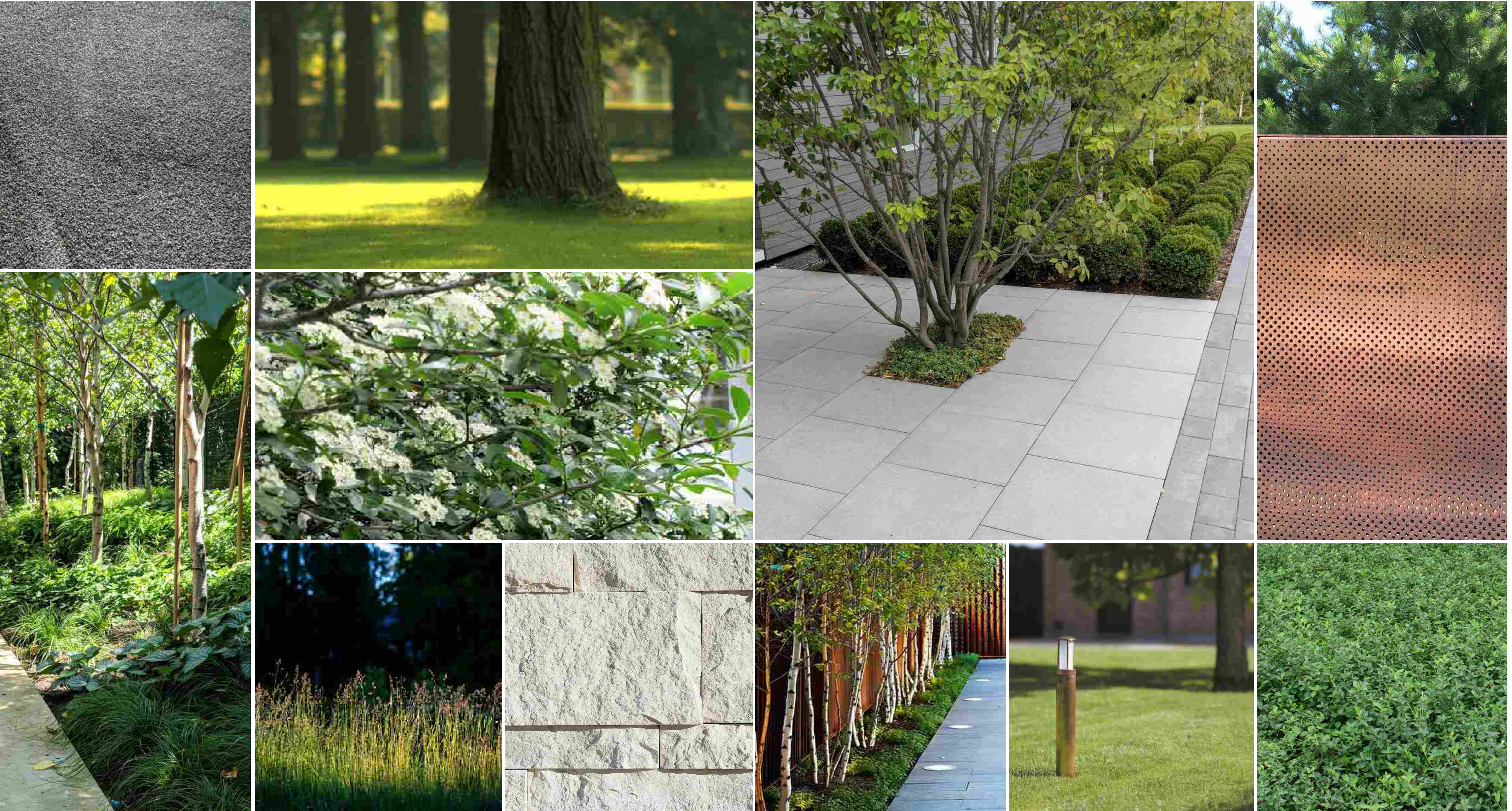


chabad center for jewish life - minnetonka, mn

FEBRUARY 7, 2019

TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE

MATERIALITY



PERSPECTIVE VIEW FROM HOPKINS CROSSROAD LOOKING EAST



**chabad center for jewish life - minnetonka, mn**

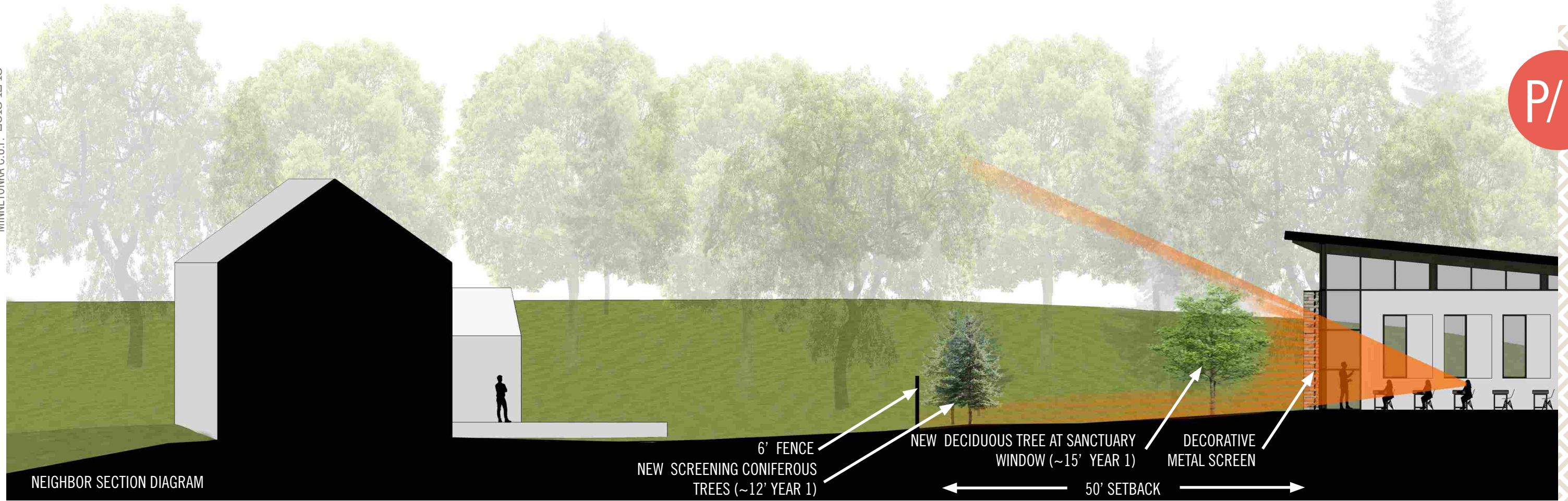
FEBRUARY 7, 2019

TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE

PERSPECTIVE VIEW FROM MAIN ENTRY DRIVE







P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408



CHABAD CENTER FOR JEWISH LIFE

2391 VERNON CIRCLE







P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

CHABAD CENTER FOR JEWISH LIFE



P/K

PETERSEN/KELLER ARCHITECTURE  
2919 JAMES AVENUE SOUTH  
MINNEAPOLIS, MN 55408

CHABAD CENTER FOR JEWISH LIFE

Recent Neighborhood Feedback  
and Staff Response Memo

**From:**  
**To:** [Susan Thomas](#)  
**Cc:** [Brad Wiersum](#)  
**Subject:** Chabad center  
**Date:** Thursday, February 28, 2019 12:25:08 PM  
**Attachments:** [2-16-19 Preliminary findings.pdf](#)

---

Dear Susan,

Thank you for the information about the change in the meeting date. Can you tell me why the date was changed?

I am also writing you with a few concerns that have surfaced about this project. The first is the review of the traffic study and the new letter from STS. I would like to know if this is being reviewed. When my car is parked in my driveway, that makes it hard, if not impossible to see cars coming up the road, where the driveway is proposed.

This is a major safety hazard for myself leaving and for others trying to get onto Hillside from the new proposed driveway and the cars going east on Hillside. As we talked earlier, I feel that the driveway should be farther east to increase the sight lines, which would still be less than what the STS memo chart states.

The other concern I have is the first traffic study did not address the South bound traffic on County road 73, turning onto Hillside, and the queue, of that traffic. It only stated that it should be fine. I feel that is currently a problem now, and will only make it a bigger problem. This should have been included in the study.

Thank you for your time and look forward to your response.

Sincerely,

Mike Anderson



February 16, 2019

**To: Susan Thomas, Assistant City Planner  
City of Minnetonka**

**From: Vernon Swing, PE, Swing Traffic Solutions  
Mill Run/Fetterly/Hillside Neighborhood**

**Re: Chabad Center Traffic and Parking Study Review**

---

Per the request of the Mill Run/ Fetterly/Hillside neighborhood, Swing Traffic Solutions, LLC has reviewed the City of Minnetonka's traffic and parking study which was conducted to determine the impacts to the area associated with development of the Chabad Center for Jewish Life in Minnetonka, MN. The proposed development is planned on the east side of Hopkins Crossroad, also known as Hennepin CSAH 73, just north of Mill Run Road, and just south of Hillside Lane W. The development is proposed to have a single access point approximately 275 feet east of CSAH 73 on Hillside Lane W. In general, the traffic and parking study has addressed many issues related to operations and safety and has been conducted in accordance with industry standards. However, one safety item should be elaborated upon to allow the neighborhood to fully understand the traffic impacts of the development.

The traffic study did not provide a sight distance analysis at the access on Hillside Lane W. If the traffic engineer could discuss the stopping sight distance on Hillside Lane W, as it relates to industry standards, and also provide intersection sight distance information from the driveway it would be beneficial in understanding whether the flow of site generated traffic will be a safe maneuver. The Table below summarizes the engineering standards related to sight distance.



STS

Swing Traffic Solutions

**Exhibit 9-55. Design Intersection Sight Distance – Case B1 – Left Turn Stop**

Design Speed (mph)	Stopping sight distance (ft)	US Customary	
		Intersection sight distance for passenger cars	
		Calculated (ft)	Design (ft)
15	80	165.4	170
20	115	220.5	225
25	155	275.6	280
30	200	330.8	335
35	250	385.9	390
40	305	441.0	445
45	360	496.1	500
50	425	551.3	555
55	495	606.4	610
60	570	661.5	665
65	645	716.6	720
70	730	771.8	775
75	820	826.9	830
80	910	882.0	885

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less.

Source: *Geometric Design of Highways and Streets 2004*

In summary, the traffic and parking study has addressed many of the neighborhood concerns regarding the traffic operational and safety impacts associated with the development of the Chabad Center for Jewish Life. It is requested that the traffic study include additional information related to sight distance at the site access on Hillside Lane W. Thank you for considering our concerns. Please contact me at 612-968-4142 or via email at [vswingtraffic@gmail.com](mailto:vswingtraffic@gmail.com) with any questions.

**From:**  
**To:** [Susan Thomas](#); [Rebecca Schack](#)  
**Subject:** Chabad Center  
**Date:** Saturday, February 23, 2019 6:10:06 PM

---

Our family has lived in Minnetonka for 40 years on Cape Cod Place, so we feel we have a very thorough knowledge of this site.

We strongly oppose approval of this project based upon the following:

1. The traffic on Hopkins Crossroad is already under severe strain much of each day, and turning on to or off of Hopkins Crossroad is complicated and dangerous. Entering or leaving Hillside, Runnymede, Mill Run or Joy Lane is seldom easy, and the idea that more traffic, and more turns on or off this road would be acceptable, seems that no one making this decision lives in this area and deals with this mess. There are hours of each day that it must simply be avoided. Many people take Lindbergh to the stoplights at Cedar Lake Road to avoid this danger. But that is not a panacea either, what with the heavy, congested and speeding traffic that occurs when students are arriving or leaving any of the schools. Teenagers driving 40mph in the 25mph zone, and frantic parents dropping off or picking up children at Tanglen or Adath present a formidable challenge that calls for less cars, not more. You do not want to try to walk, run or drive during those times.
2. We are very concerned about building this structure adjacent to the yards of numerous residents. We believe that it is a proper expectation that when one builds or buys a home in a residential setting, that that setting will continue to be residential. We suspect that a good number of those residents would not be in those homes if they had ever thought there was the slightest chance that this commercial project could someday abut their property. Are there no limits to what can be done to destroy ones expectations about their surroundings?

Please find an appropriate commercial setting for this facility, one that has good traffic access and egress, and one that does not destroy a residential neighborhood.

Thank you, Jim Achter

## Stipulations for Proposed Chabad Development—March 4, 2019

Dear Rebecca:

This email is in response to your request of Jim Moscovitz and Amy Taswell after the 1/31/19 neighborhood meeting with Rabbi Grossbaum and his architect that they make some suggestions for stipulations in the event that the City Council approves the Chabad application. Please review its contents with your fellow council members at this evening's study session. The size and impact of this proposed development necessitates numerous stipulations in order to achieve compliance with the ordinances of the CUP.

When one googles the term "Chabad zoning disputes" numerous articles pop up from communities all over the country that describe litigation. Given what has happened with Chabad applications in other municipalities, we recognize that the City Council and the city staff may be considering this application under the implied threat of an RLUIPA lawsuit. The stipulations we are asking you to approve in their entirety would allow the municipality to conform to RLUIPA and ensure that the development does not create an undue adverse impact on the public health, safety and welfare.

Before we list our recommendations for stipulations, we highlight two issues from the 1/31 neighborhood meeting with city staff, applicant and the applicant's architects:

1. Chabad has hired a better architect who has designed a more attractive building. However, none of the fundamental issues about the project have changed. It has the same pedestrian safety issues, parking issues, congestion concerns and density problems as the previous application that was denied by the City Council in July, 2018.
2. When discussing the applicant's remote parking/shuttle/valet plan, the purpose of which is to eliminate overflow parking, it was disclosed that the "agreement" will last only as long as Stuart Ackerberg owns the property where cars will be parked. When a concern was raised over the security of this "agreement" being based on the tenure of Ackerberg's ownership, the architect interjected that Ackerberg's father didn't sell properties and neither does Stuart Ackerberg. That comment should be rejected from any consideration. No one other than Stuart Ackerberg can predict what he might do with any of his properties.

On 2/13 Jim and Amy sent a letter to the city staff requesting, among other items, historical information on stipulation precedents for approvals of religious institution CUPs in the City of Minnetonka. The city staff's response was helpful in providing a number of stipulation precedents, specifically attached to the Conditional Use Permit approval of Adath Jeshurun in 1993. Given that a number of Chabad supporters, including Rabbi Grossbaum and David Segal, former president of Adath Jeshurun, have cited Adath as an important precedent in favor of

## Stipulations for Proposed Chabad Development—March 4, 2019

approval of Chabad application, we feel the stipulations attached to its approval are also important precedents.

In the event that the City Council decides to approve the Chabad application, we request that the following stipulations/variances (“variance” was the term used at the time of the Adath application) be attached to an approval. There are precedents for most of these stipulations, locally and nationally. These stipulations will help the neighborhoods retain their character and quality of life as well as help the applicant meet its stated intention of being a good neighbor. Finally, the stipulations/variances will help prevent possible future conflicts between the neighborhoods and the applicant that would require city intervention.

As previously stated, many of these stipulations have precedents in the City of Minnetonka, including conditions attached to CUP approvals for the Hopkins High School athletic facilities. RLUIPA does not allow municipalities to use zoning laws to discriminate against religious institutions. It also doesn’t allow zoning laws to favor religious institutions.

### STIPULATIONS:

- 1) **Any Chabad-related motor vehicle use on Mill Run and Vernon Circle is limited to three (3) days per year. We recommend that those days be the High Holy Days of Rosh HaShana and Yom Kippur.**

Precedent a): Variance #8 from the minutes of the 8/23/93 city council meeting where the Adath CUP was approved requires that a plan be submitted to the city staff that allows for vehicular traffic on neighboring Lake Windsor Dr. no more than ten (10) days per year. Adath is approximately 50,000 square feet on 26 acres. Chabad, if approved, will be 16,000 square feet on a 2.5 acre site. A three (3) day vehicular traffic allowance for parking or passage is proportionate. Given that the city has deemed the parking on the site to be sufficient and the rabbi has submitted a remote parking plan, this is an applicable and justifiable precedent.

Precedent b): Toms River, NJ Chabad Settlement, April, 2018. Article 9(d): “Plaintiffs will inform any guests of Chabad House that no parking is allowed on Church Road.”

We are attaching a recent photograph of Vernon Circle. Parked cars in some winter conditions would make neighborhood streets impassable.

- 2) **Literature and signage will be placed in prominent locations in the building advising patrons not to park in Mill Run, Vernon Circle and Fetterly Rd. outside of three (3) designated days per year and providing directions for accessing the site from Hillside.**

Stipulations for Proposed Chabad Development—March 4, 2019

Precedent a): Variance 8d from the minutes of the 8/23/93 City Council meeting includes a requirement that literature be provided to the patrons of the Adath, which provides direction to and from the synagogue off of Hillside Ln.

Precedent b): Toms River, NJ Chabad Settlement, April, 2018. Article 9(d): “Plaintiffs will inform any guests of Chabad House that no parking is allowed on Church Road.”

- 3) **Require notice to residents and approval by the Planning Commission and the City Council if Chabad submits an application for a day care, a preschool, a K-12 school (including any variations within this such as K-3, K-5).**

Precedent: Variance #16 of the Adath CUP approval from the minutes of the 8/23/93 meeting requires City Council approval if the Adath wished to add a K-12 school to the existing school.

- 4) **A construction management plan that does not allow any construction vehicle parking or the vehicles of construction workers to be parked on Mill Run, Vernon Circle and Fetterly Rd.**

Precedent: Variance #12 of the Adath CUP approval from the minutes of the 8/23/93 meeting was a construction management plan that included construction vehicle parking. Mill Run, Vernon Circle and Fetterly Rd. are narrow, curved and with difficult sightlines. Construction vehicle parking would be a safety hazard and a nuisance. The applicant controls five lots, including one large outlot that is not yet designated for development. There is sufficient onsite space for all construction related vehicles.

- 5) **A variance from the city’s construction noise ordinance that will limit construction activities from 7 am to 6 pm Monday through Friday.** In the event of approval, the proximity of this project to residential homes and the time of year when the bulk of the outside work will take place, we request that construction hours be limited to the aforementioned. Summer evenings in Minnesota are a precious and short-lived commodity. This kind of a literal backyard disruption is not neighborly.
- 6) **Pursuant to the application, the applicant must provide a signed contract with the Ackerberg Group (or the actual ownership entity of the property where the referenced remote parking lot is located) that attendees will be bussed or there will be a valet service from the remote lot when event attendance exceeds available onsite parking. The contract is required to have a noncancellation clause in the event that the property where the parking lot is located is sold.**
- 7) **A fifty (50) foot setback from the east property line to be dedicated to “passive” green space, to provide a buffer for adjacent properties.**

## Stipulations for Proposed Chabad Development—March 4, 2019

Precedent: Chabad House CUP conditions, Toledo, Ohio. 2017

- 8) **Event Management Plan for all events greater than 175 people.** Events of that size will be subject to a detailed management plan submitted to city staff, the Planning Commission and the City Council prior to the issuance of the building permit. The Event Plan shall include, but not be limited to, the following:
- a) The applicant shall hire off-duty police officers to direct traffic and perform other duties as needed.
  - b) The applicant shall conduct an educational campaign, approved by the city staff, to advise proper methods of access and parking.

Precedent: Minnetonka City Council Meeting 5/6/91. CUP approval of Hopkins Stadium.

9.) **That Chabad pay for and install new fencing between the Soo/Flint.Leirdahl properties as agreed to in a letter from Chabad attorney Marvin Liszt dated June 28, 2018 and is attached to this correspondence.** The agreement was reached by discussions that were held at the request of the City Council between the Soo's/Flint.Leirdahl's and Chabad. The discussion was on landscaping and fencing between the properties to mitigate the visual and noise impact on the adjacent homes owned by the Soo's and Flint.Leirdahl's from Chabad.

The Soo's and Flint.Leirdahl will agree to a fence height of 6' high for this area as requested by Mr. Liszt in his letter. However, with the increase in Chabad's geographic footprint additional fencing is needed to continue on the Flint.Leirdahl/Chabad property line to its northern border and along the Flint.Leirdahl north property line. The length and height of the fence on the north property line needs to be determined once the grade and position of Chabad's driveway has been executed to ensure that noise and headlight issues are minimized as much as possible.

It is requested that Julie Wischnack and Loren Gordan from the city mediate the discussions between Chabad and the Flint.Leirdahl's for the north property line fencing/landscaping as they did for the 2018 discussions. If no agreement is reached, it is requested that the City Council make the final decision

10.) **Noise levels must be in accordance with MN Pollution Control Agency regulations.**

Please note the following from MPCA regulations:

Some common land uses associated with the NACs include: NAC 1: Residential housing, **religious activities**, camping and picnicking areas, health services, hotels, educational services

**For residential locations (NAC 1), the limits are  $L_{10} = 65$  dBA and  $L_{50} = 60$  dBA during the daytime (7:00 a.m. – 10:00 p.m.) and  $L_{10} = 55$  dBA and  $L_{50} = 50$  dBA during the nighttime (10:00**

## Stipulations for Proposed Chabad Development—March 4, 2019

**p.m. – 7:00 a.m.) (Minn. R. 7030.0040).** This means that during a one-hour period of monitoring, daytime noise levels cannot exceed 65 dBA for more than 10 percent of the time (six minutes) and cannot exceed 60 dBA more than 50 percent of the time (30 minutes).

**Noise area classifications (NAC) are based on the land use at the location of the person who hears the noise,** which does not always correspond with the zoning of an area. Therefore, noise from an industrial facility near a residential area is held to the NAC 1 standards if it can be heard on a residential property.

**Local governments are required to take reasonable measures to prevent the approval of land use activities that will violate the state noise standard immediately upon establishment of the land use (Minn. R. 7030.0030).** Municipalities should consider the state noise standard when reviewing and approving new projects in their jurisdiction. The MPCA can provide some expertise to support this review process.

A couple recent examples of the impact of noise and size are instructive. On February 11, 2019, Jim Moscovitz and Amy Taswell attended the Orthodox Jewish wedding of their son-in-law's sister at a synagogue in Closter, NJ. It was a loud, raucous, high-spirited and fun affair. The event was about six hours long and there were approximately 275 guests. The synagogue was set back from the road and surrounded by trees. The building appeared to be larger than 16,000 square feet and there appeared to be more than sixty parking spaces in the lot. There were probably fewer than 2.5 passengers per car in the parking lot. The music was so loud that it was likely well above the MPCA residential noise limits of sixty decibels at the firepit outside of the social hall where some of the guests retreated to get away from the volume. If that same raucous, fun event were held at the applicant's site, it would have been felt intensely throughout the surrounding neighborhoods.

There was an article in the Star Tribune describing the wedding of Rabbi Grossbaum's daughter last summer on a Tuesday at an event center in Mounds View. There were 380 guests. If that same event were held at the applicant's site, it would be felt intensely throughout the surrounding neighborhoods.

**We recognize that religious institutions hold life cycle events.** We cite the aforementioned examples because the applicant's narrative lacks disclosure on this topic, especially given the size of the project, its limited parking and its proximity to nearby homes. The applicant's narrative doesn't reference a gathering greater than 175 people.

We strongly request that the City Council seriously consider how this proposed development will alter the residential character of the surrounding neighborhoods. We believe that the aforementioned stipulations allow the City Council to follow federal law. The requested stipulations partially address the undue adverse impact of this development on public health, safety and welfare and are justifiable because they adhere to City of Minnetonka precedents, they follow the precedents of other municipalities, they comply with MPCA regulations and they are consistent with CUP language.

Stipulations for Proposed Chabad Development—March 4, 2019

Thank you for your consideration of this letter and these stipulations.

Kindest Regards,

Mill Run Residents

Jim Moscovitz and Amy Taswell  
Lori and Brad Fritz  
Bruce and Karen Simon  
Debbie and Ralph Powell  
Alison and Stu Silberman  
Mark and Marie Calabria

Vernon Circle Residents

Kristin and Jo Soo  
Todd and Nancy Lurie  
Susan and Jon Wiens  
Michael Leirdahl and Susan Flint

Fetterly Residents:

Amy Weiss  
David Abrams

Hillside Residents:

Sam and Christina Black



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | [eminnetonka.com](http://eminnetonka.com)

**FROM:** Susan Thomas

**DATE:** March 6, 2019

**SUBJECT:** Response to "Stipulations Proposed for Chabad Development" Letter

---

On March 4, 2019, the city received a letter from several area residents regarding the proposed Chabad Center for Jewish Life. The letter outlines 10 stipulations that the residents request be imposed if the city council chooses to approve the conditional use permit for the center. This memo responds to those requested stipulations:

**Stipulation 1:** Any Chabad-related motor vehicle use on Mill Run and Vernon Circle is limited to three (3) days per year. We recommend that those days be the High Holy Days of Rosh HaShana and Yom Kippur.

**Staff Response:** The resident letter suggests that restriction on motor vehicle use would be consistent with the city's 1993 approvals of Adath Jeshurun. This is not accurate. The specific condition of approval requires that, "access to Lake Windsor Lane from the Adath Jeshurun synagogue driveway [be] limited to no more than 10 days per calendar year." The condition only required that the driveway at Windsor Lane be closed; it did not prohibit use of the public street.

The city cannot single out Chabad-related vehicles and prevent them from using public streets; even if it could do so legally, there would be no practical means of enforcing such a requirement. The residents of Mill Run and Vernon Circle could request the city establish a No Parking restriction on these roadways. Such restriction would apply to all members of the public.

**Stipulation 2:** Literature and signage will be placed in prominent locations in the building advising patrons not to park in Mill Run, Vernon Circle and Fetterly Rd. outside of three (3) designated days per year and providing directions for accessing the site from Hillside.

**Staff Response:** The city cannot prevent vehicle use of public streets by certain members of the public. If a No Parking restriction were applied to Mill Run and Vernon Circle, signs would provide notice of such restriction.

**Stipulation 3:** Require notice to residents and approval by the Planning Commission and the City Council if Chabad submits an application for a day care, a preschool, a K-12 school (including any variations within this such as K-3, K-5).

**Staff Response:** This is generally covered by 4.01(6) in the resolution provided for council consideration, which states: "This conditional use permit approves the land use as presented in the plans outlined in this resolution and as outlined in associated staff reports." However, additional language could be added to the condition, such as: "This conditional use permit approves the land use as presented in the plans outlined in this resolution and as outlined in associated staff reports. For example, the addition of a daycare, preschool, or any primary or secondary school would require an amendment to conditional use permit." Public notice must to be provided in conjunction with planning commission or city council review.

**Stipulation 4:** A construction management plan that does not allow any construction vehicle parking or the vehicles of construction workers to be parked on Mill Run, Vernon Circle and Fetterly Rd.

**Staff Response:** This is generally covered by 4.01(3)(6) in the resolution provided for planning commission and council consideration, which requires submittal of "[a] construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance." The city-approved template includes a condition that "construction vehicles will not be parked on [insert location.]" City staff generally enters the names of surrounding local streets. Nevertheless, additional language could be added to the resolution specifically prohibiting construction vehicle parking on Mill Run, Vernon Circle, and Fetterly Road West.

**Stipulation 5:** A variance from the city's construction noise ordinance that will limit construction activities from 7 am to 6 pm Monday through Friday.

**Staff Response:** City Code Section 850 – Noise Regulations – establishes, "a person must not engage in, permit, or allow construction or grading activities involving the use of power equipment, or other activities resulting in unreasonably loud or disturbing noise for a person of ordinary sensitivity at any time other than between 7:00 a.m. and 10:00 p.m." The city has not restricted construction hours beyond those allowed by noise ordinance for any other project, and the city attorney advises that there is no basis for treating this construction project differently.

**Stipulation 6:** Pursuant to the application, the applicant must provide a signed contract with the Ackerberg Group (or the actual ownership entity of the property where the referenced remote parking lot is located) that attendees will be bussed or there will be a valet service from the remote lot when event attendance exceeds available onsite parking. The contract is required to have a noncancellation clause in the event that the property where the parking lot is located is sold.

**Staff Response:** To address major events, item 4.01(3)(d)(4) in the resolution provided for planning commission and council consideration requires submittal of "an off-site parking plan for major events." However, the applicant's proposal meets the parking standard as outlined by city code. If the city were to require off-site parking, and in particular a signed contract, it would be subjecting the

Chabad Center to a standard more onerous than that established by ordinance.

**Stipulation 7:** A fifty (50) foot setback from the east property line to be dedicated to “passive” green space, to provide a buffer for adjacent properties.

**Staff Response:** The applicant’s proposal meets the building setback requirement as outlined by city code. The ordinance does not establish a required setback for activities or use of property. Were the city to require a dedicated “passive” green space, it would be subjecting the Chabad Center to a standard more onerous than that established by ordinance.

**Stipulation 8:** Event Management Plan for all events greater than 175 people. Events of that size will be subject to a detailed management plan submitted to city staff, the Planning Commission and the City Council prior to the issuance of the building permit. The Event Plan shall include, but not be limited to, the following:

- a) The applicant shall hire off-duty police officers to direct traffic and perform other duties as needed.
- b) The applicant shall conduct an educational campaign, approved by the city staff, to advise proper methods of access and parking.

**Staff Response:** The city has not required an event management plan for other religious institutions. If the city were to require an event management plan, it would need to be on the basis of characteristics that distinguish the Chabad Center from other institutions in the city. City staff is unable to identify any characteristics that would justify different treatment in this case.

**Stipulation 9:** That Chabad pay for and install new fencing between the Soo/Flint.Leirdahl properties as agreed to in a letter from Chabad attorney Marvin Liszt dated June 28, 2018 and is attached to this correspondence.

**Staff Response:** The referenced agreement was made as part of the 2018 conditional use permit application, which was different from the current application in many respects. The 2018 application was denied. Since the planning commission meeting related to the current application, the applicant has submitted a detailed landscape plan including fencing and plantings. The council needs to evaluate the adequacy of the current landscape plan based on the current application.

**Stipulation 10:** Noise levels must be in accordance with MN Pollution Control Agency regulations.

**Staff Response:** The proposed stipulation is unnecessary. City Code Section 850 establishes noise regulations. All properties in the community must abide by these regulations regardless of the land use occurring on the site.

Finally, staff would note that in several places the residents’ letter includes reference to out of court settlements and conditions of approval pertaining to Chabad applications in other states. These settlements/conditions do not establish any precedent for the application made by

Chabad Center for Jewish Life. Each of the cited cases would depend upon the laws and ordinances in effect for that particular zoning authority, as well as the particular physical characteristics of the property in question. The city attorney has advised that, to the extent comparisons are made, the city should look to previous applications for similar land uses in the city of Minnetonka.

**From:** [REDACTED]  
**To:** [Julie Wischnack](#); [Loren Gordon](#); [Susan Thomas](#)  
**Cc:** [REDACTED]; [Rebecca Schack](#); [Brad Wiersum](#)  
**Subject:** Chabad Project - Traffic Safety  
**Date:** Friday, March 8, 2019 1:43:31 PM  
**Attachments:** [2-16-19 Preliminary findings.pdf](#)

---

Dear Susan, Julie and Loren;

In the interest of safety for the neighborhood, we respectfully request that for the upcoming City Council meeting on March 18th, for SRF to confirm that the stopping and intersection sight distance at the access point is in the safest location possible. It would be appreciated by the neighborhood, considering the significant hill and proximity to neighboring roads and homes.

Also, if SRF could elaborate on the increase in stacking on the southbound turn lane of Co Rd 73 (turning left on to Hillside Lane from Hopkins Crossroads) at peak hours, as it did for Hillside Lane, that would be helpful as well.

Both of these topics were discussed at the neighborhood meeting as concerns, so SRF's attention to these questions is appreciated. Attached is a document from our traffic consultant pointing out the need to further elaborate on the items above.

Thank you,

Jo and Kristin Soo  
Tanglen Woods neighborhood

**From:** Liszt, Marvin  
**To:** [Loren Gordon](#); [Julie Wischnack](#)  
**Cc:** [Rabbi Mordechai Grossbaum](#); [aaron@metropeligo.com](mailto:aaron@metropeligo.com); [Keane, Timothy J.](#)  
**Subject:** Chabad  
**Date:** Thursday, June 28, 2018 4:11:52 PM  
**Attachments:** [image001.png](#)

---

Loren and Julie,

Thank you again for meeting with Mordechai, Aaron and myself and Mike Leirdahl and Jo and Kristin Soo on June 18 to discuss suitable landscaping plans between the Chabad and the Flint and Soo properties. I left the meeting feeling that we made good progress and seemed to reach a consensus on the outline of a plan that could work for all concerned. The following is an outline of that plan:

1. Chabad would construct and pay for a fence that would be situated 6' on its property running north-south between its property and the Flint/Soo properties. The fence would start where the existing fence is located on the north side of the Flint property and run to a point which is 130' south of the Flint/Soo property line.
2. As to the area between the Chabad and Soo property, Chabad would plant and pay for two rows of American Arborvitae trees (*Thuja occidentalis*) situated on the Chabad property, one on each side of the fence separating the Chabad and Soo properties. These trees are significantly wider than the typical columnar arborvitae and within a few years will create a visual and safety barrier between the properties.
3. As to the area between the Chabad and Flint property, Chabad would plant and pay for one row of *Thuja occidentalis* trees situated on the Chabad property on the east side of the fence. Again, within a few years this row of trees will create a visual and safety barrier between the properties.
4. The concessions made by Chabad in No. 1-3 provide the owners of the Flint and Soo properties with additional square footage since the fence is 6' on the Chabad property and provides them with a visual and safety barrier on the border of their properties all at the expense of Chabad.
5. As previously stated, upon the advice and dictates of its engineers and City Staff, Chabad will, of course, take measures to ensure storm water management on the site.

At the end of our meeting there did not seem to be a consensus regarding the height of the fence. Chabad believes a 6' fence is more than adequate for safety and visual purposes. In retrospect, a fence is probably not even necessary given the fact that the type of arborvitae planted will grow to at least 20' high thereby dwarfing any fence. In addition, these trees will ultimately be 10' to 12' wide creating a dense hedge obstructing the view of the fence on both sides of the Chabad-Soo properties. An example of how these trees create this effect can be seen along the driveway of the Adath Jeshurun Synagogue a few blocks away from the subject properties. In spite of these factors, Chabad will abide by the 6' fence proposal since it

previously agreed to this point as a part of a total landscaping plan.

Jo and Kristin mentioned an 8' fence and Mike even suggested a 10' one. Chabad strongly asserts that a fence greater than 6' is totally unnecessary for several reasons. First, within a few years, the arborvitaes will exceed the height of each of these fences. Two, a fence will block light from reaching these trees and the taller the fence the greater likelihood that the trees will not adequately grow inhibiting their intended purpose. Third, since 8' and 10' fences must withstand significantly greater wind loads than a 6' fence, the cost of the foundation for the posts, the cost of the superstructure (the portion of the fence structure above grade -- not the fence boards), and the cost of labor will increase dramatically. Fourth, a higher fence between the Chabad and Flint fence will not impact light spillage as Chabad has already assured the neighbors that the lighting design will prevent light spillage onto their properties. Finally, the suggestion of increasing the height of the fence strikes me as being somewhat punitive considering all the above.

I am hopeful that the above outline and suggestions will get us to the "finish line." Thank you for your input and perseverance on this.

---

**Marvin A. Liszt**  
**Attorney at Law**

[vCard](#)

[Bio](#)

[Web](#)

**Bernick Lifson, P.A.**

5500 Wayzata Boulevard Suite 1200, The Colonnade

Minneapolis, MN 55416

Phone: (763) 546-1200

Fax: (763) 546-1003

[BERNICKLIFSON.COM](http://BERNICKLIFSON.COM)



Business Lawyers- See What makes us different

---

## **Resolution No. 2019-**

### **Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane West, 2327, 2333 and 2339 Hopkins Crossroad, and 11170 Mill Run**

---

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

#### **Section 1. Background.**

- 1.01 Chabad Center for Jewish Life has requested a conditional use permit to operate a religious institution on the combined site at 11021 Hillside Lane West, 2327, 2333 and 2339 Hopkins Crossroad, and 11170 Mill Run
- 1.02 The site is legally described on Exhibit A of this resolution.
- 1.03 On Feb. 7, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

#### **Section 2. Standards.**

- 2.01 City Code §300.16 Subd.2 outlines the following conditional use permit general standards:
  - 1. The use is consistent with the intent of this ordinance;
  - 2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
  - 3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
  - 4. The use does not have an undue adverse impact on the public health, safety or welfare.
- 2.02 City Code §300.16 Subd.3(b) outlines the following specific conditional use permit standards for religious institutions and facilities:

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Buildings set back 50 feet from all property lines;
3. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;
4. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and
5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27 Subd.5 outlines the following site and building plan standards:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
  - b) the amount and location of open space and landscaping;
  - c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access

points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.16 Subd.2.

1. Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.
2. The goals, policies, and objectives of the comprehensive plan are generally the city's effort to create a vibrant and resilient community. Religious institutions are a component of such communities.
3. Based on the staff's comments and review, the proposed religious institution would not have an adverse impact on the provision of government services or infrastructure.
4. The proposed institution would visually alter the immediate area and result in a different level of activity than was historically observed while the site contained occupied single-family homes. Though noticeable, these changes would not be detrimental to the health, safety, or welfare of the community.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code 300.16 Subd.3(b).

1. The proposed facility would have access to Hillside Lane West, which is defined as a neighborhood collector roadway in the comprehensive plan.
2. The institution would meet the required setbacks from east and west property lines and exceed the required setbacks from the north and south.
3. By ordinance, one parking space is required for every 2.5 seats within the main sanctuary of a religious facility. As proposed the sanctuary would regularly have seating for 98 people, requiring 39 parking spaces. 60

parking spaces would be available on site. Staff notes additional areas would be available as proof-of-parking.

4. Impervious surface would cover roughly 46 percent of the site.

3.03 The proposal would meet the site and building plan standards as outlined in City Code §300.27 Subd.5:

1. The proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.
2. Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.
3. The proposal would result in significant alteration of the site, including changes to grade and tree removal/impact. However, site disturbance would be limited to the extent practicable, given construction of a building and parking lot.
4. The new building and parking lot would be appropriately located at the center of the site, maintaining green space and the opportunity for new plantings at its perimeter.
5. The location of buildings relative to open space and paved areas is appropriate. The plan incorporates natural building materials and neutral color palate, which are residential in character. Additionally, proposed building height would be consistent with residential homes. City code allows homes to be constructed to a height of 35 feet, as measured to the midpoint of a pitched roof. The proposed building would have an average height of 17 feet, measuring 23 feet at its highest point.
6. As new construction, the building code requires use of energy saving features.
7. Generally, any change to the use of a property will result in changes to drainage patterns, sounds, and site lines. The objective conditional use permit standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and conformance with nuisance regulations regarding lighting and “quiet hours” are intended to minimize or mitigate for these changes.

Section 4. City Council Action.

4.01 The above-described conditional use permit and site and building plans are approved based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in

substantial conformance with the following plans, except as modified by the conditions below:

- Site Layout Plan, dated Dec. 18, 2018
- Utilities Plan, dated Dec. 18, 2018
- Grading Plan, dated Dec. 18, 2018
- Landscape Plan, dated Feb. 7, 2019
- Floor Plan, dated Dec. 18, 2018
- Building Elevations, dated Dec. 18, 2018

2. A grading permit application must be submitted through the city's electronic permit system. A complete application submittal must include the following:

- a) Final site, grading, stormwater management, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
  - 1) Final site plan must:
    - a. Illustrate B618 curb/gutter at the Hillside driveway entrance. The driveway must have either 3-inch valley gutter or knockdown B618 curb. If a concrete apron is installed it must not be integral to the curb and gutter.
  - 2) Final grading plan must:
    - a. Include no grading below the floodplain elevation of 949.0.
    - b. Confirm retaining wall elevations. Note, walls exceeding four feet must be engineered by a structural engineer.
  - 3) Final stormwater management plan must meet the requirements of the city's Water Resources Management Plan, as outlined in Appendix A. Design. The plan and acceptable model must demonstrate conformance with the following criteria:
    - a. Volume Control: Provide onsite retention of 1-inch of runoff from impervious surfaces. The city prefers that this be accomplished through infiltration practices.
    - b. Rate Control: Limit peak runoff flow rates to that of existing conditions for the 2-, 10-, and 100-year

storm events at all points where stormwater discharge leaves the parcel.

- c. Water Quality: Provide for all runoff to be treated to at least 60% removal efficiency for total phosphorus and 90% total suspended solids.

In addition:

- d. Provide detailed plans for the StormTech MC-3500 chambers, including inverts, outlet elevation, and detailed storage curve.
- e. Provide soil boring at the proposed infiltration location.
- f. Revise the chamber design to meet 48-hour drawdown requirement.
- g. Provide a HydroCad model to reflect the entire parcel area. Note, the parcel area reports in the project summary and the stormwater management narrative conflict.
- h. Water quality modeling should be provided in MIDS or P8.
- i. Provide evidence that the underground system will be able to support 83,000 pounds and 10,800 pounds per square foot outrigger load.
- j. The underground facility must be inspected by a qualified third party during installation and that party must verify that the pressure requirements are adequately met.

4) Final utility plan:

- a. Illustrate unused water service pipes removed back to the main with the corporation stops turned off.
- b. Illustrate unused sanitary sewer removed back to the main with wye being cut and sleeved.

In addition, note:

- c. Separate sewer and water permits, tests, and inspections are required for on-site work located

outside of public utility easements. Permits must be submitted by a licensed contractor.

- d. Water service piping must be run to complete from wet tap valve to inside building by same contractor during one installation.
  - e. All sanitary sewer service piping must run at minimum 2% grade.
  - f. Piping for rain water collection from manhole to ten feet outside building must be scheduled 40 pipe minimum.
  - g. Stormwater piping crossing watermain must be installed per The 2015 MPC 4714.720 and 609.2.
3. Prior to issuance the grading permit:
- a) This resolution must be recorded at Hennepin County.
  - b) Secure utility permits from Hennepin County for sewer and water service disconnects and installations.
  - c) Secure right-of-way permit from Hennepin County for removal of existing driveways from the Hopkins Crossroad right-of-way.
  - d) Submit the following:
    - 1) A 10-foot wide trail easement adjacent to Hopkins Crossroad and Hillside Lane West for future trail purposes.
    - 2) A 25-foot wide temporary easement for grading work necessary to construct future trail segments.
    - 3) Private driveway easement or declaration of easement for review and approval by the city attorney.
    - 4) An off-site parking plan for major events.
    - 5) All required hook-up fees.
    - 6) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
    - 7) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an engineers estimated cost to comply with grading permit and landscaping requirements and to

restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

- 8) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
  - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.
- e) Install a temporary rock driveway, erosion control, tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
4. A building permit application must be submitted through the city's electronic permit system. Prior to issuance of the permit:
  - a) The Hopkins Crossroad and Mill Run properties must be tax combined.
  - b) Obsolete public easements must be vacated.
  - c) Submit the following:
    - 1) A final landscaping plan:
      - a. The plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions. Staff suggests replacement of proposed sugar maple in parking lot islands.

- b. Plantings must be field located, and approved by city staff, to maximize buffering of area residences.
  - c. Final tree mitigation plan must include a minimum of 34 inches of mitigation, plus 10, 2-inch trees.
  - d. Plantings must be field located, and approved by city staff, to maximize buffering of area residences.
- 2) An exterior lighting and photometric plan.
- 5. In the event that the city observes recurrent parking demand exceeding on-site parking supply, proof-of-parking spaces must be constructed within a reasonable and mutually agreeable timeframe. The property owner will be responsible for all costs associated with this construction and with any costs associated with required stormwater management facilities.
- 6. This conditional use permit approves the land use as presented in the plans outlined in this resolution and as outlined in associated staff reports.
- 7. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8. Any change to the approved use that results in a significant increase in traffic or a significant change in character beyond that outlined in this resolution may require an amendment to the conditional use permit.
- 9. Construction of the building must begin by Dec. 31, 2020, unless the city council approves a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Mar. 18, 2019.

---

Brad Wiersum, Mayor

Attest:

---

Becky Koosman, Acting City Clerk

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Mar. 18, 2019.

---

Becky Koosman, Acting City Clerk

**EXHIBIT A**

Lots 1, Block 1, Heeler's First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.  
(Abstract Property)

AND

The East 165 feet of the West 429 feet of the North 264 feet of the Southwest quarter of the Northwest quarter of Section 12, Township 117, Range 11, Hennepin County, Minnesota.  
Subject to road.  
(Abstract Property)

Lots 2, 3, and 4, Block 1, Heeler's First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.  
(Abstract Property)